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THE GENERAL ARBITRATION TREATIES

BY CHARLES CHENEY HYDE

It was an after-dinner speech of President Taft's, delivered at Washington on the seventeenth of December, 1910, that held out to Europe the hope of concluding with the United States general arbitration treaties providing for the settlement of all classes of legal differences not otherwise capable of amicable adjustment. The response on the part of England and France was immediate and friendly. There was an exchange of views, negotiations followed, and the result was the Anglo-American treaty and the Franco-American treaty, signed on August 3d of the past year and submitted to the Senate the following day. They now await its approval.

The acceptance of these conventions by the United States may be of such far-reaching consequence that the matter of the advice and consent of the Senate is one of vital concern to the nation. For that reason the merits and defects of the plan proposed deserve careful study. To that end it is well to examine certain objections raised by the Report of the Senate Committee on Foreign Relations, presented by Mr. Lodge, as well as the opposing views expressed by Mr. Root in behalf of himself and Messrs. Cullom and Burton.

The issues between the President and those Senators who

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oppose the treaties are twofold and distinct in kind. They involve, first, the constitutionality of certain provisions, and, secondly, the policy or expediency of what is offered. The objections as to policy are directed against both the scope of the conventions and the process of ascertaining what that scope may be. The constitutional objections seem to be of so much less weight than some of those based upon grounds of expediency that the former may be abandoned if certain causes for the latter are removed. That those causes may be removed without detracting from the value of the treaties, or lessening the scope which the President believes them now to possess, is the firm conviction of the writer. The purpose of this paper is, therefore, merely to indicate bases of agreement between those who share the treaty-making power of our country.

At the outset it is well to observe to what extent the United States is bound at the present time to have recourse to arbitration. As a signatory to The Hague Convention for the Pacific Settlement of International Disputes of 1907, the United States has generally agreed to use its best efforts to insure the pacific settlement of international differences. Apart, however, from the undertaking to have recourse, "as far as circumstances allow, to the good offices or mediation of one or more friendly Powers," before an appeal to arms, there is no definite agreement to adjust future controversies by any specified process. The employment of neither courts of arbitration nor commissions of inquiry is made obligatory, notwithstanding the wise and elaborate provision for the use of both. The arrangement to maintain the Permanent Court of Arbitration, established by the Peace Conference of 1899 and relating to arbitral procedure, is declared to be for the purpose of facilitating recourse to arbitration when diplomacy fails. The Hague Convention renders a highly useful service in encouraging signatory Powers to bind themselves by general treaties to invoke the aid of the Permanent Court when differences may arise.

In 1905 certain general arbitration treaties with Great Britain and other Powers were signed by Mr. Hay, and duly submitted to the Senate by the President. They provided that differences of a legal nature or relating to the interpretation of treaties existing between the contracting parties should, if not settled by diplomacy, be referred to the Permanent Court at The Hague. These conventions reserved from

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their operation questions affecting the vital interests, the independence, or the honor of the contracting parties, as well as the interests of third States. One proposal aroused vigorous opposition on the part of the Senate; the implication that the special agreement to be concluded in each particular case, defining the matter in dispute and the scope of the powers of the arbitrators, was to be made by the Executive. The Senate by amendment added the requirement that such agreements should in each case be submitted to that body for its advice and consent. The President declined to ratify the conventions as amended.

In 1908 the President, yielding to the stand taken by the Senate, submitted for its approval general arbitration treaties with France, Great Britain, and certain other States. These conventions were similar in scope to those of 1905, but contained express provision that the special agreement should in each case be submitted to the approval of the Senate. The treaties of 1908 are now in force. It is to supersede and extend the scope of those with Great Britain and France that is the object of the pending conventions. At the present time, therefore, the United States is in agreement with several nations to arbitrate differences of a minor character, retaining its independence with respect to grave disputes that might lead to war; and the Senate maintains the right to pass upon the special agreement preliminary to each case. Notwithstanding the narrow scope of these conventions, an important precedent has been established. The treaty-making power duly exercised by the President and the Senate has bound the State to adjust future and unknown differences, under certain contingencies, in a particular way. A duty has, therefore, been assumed to render the treaties operative, should cases arise thereunder, by assenting to special agreements necessary to make arbitration possible. By binding itself in such manner the United States has made but ordinary use of the agreement-making power. To assert to-day that the President and the Senate cannot validly bind the nation to adjust future and unknown differences by arbitration, or by any other appropriate process, is to ignore precedent and to impute to the framers of the Constitution the intention to deprive the Federal Government, if not the State as a whole, of a highly useful right commonly enjoyed and exercised by other nations.

The new treaties with Great Britain and France are sub-

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stantially alike. Differences in their preambles and in matters relating to Canada and other self-governing dominions may be disregarded. Without attempting an abstract of the several provisions, attention is called to those indicating the scope of what is made arbitrable, the establishment of the Joint High Commission, and the recognition of the rights of the Senate. Article I. declares that

> "all differences hereafter arising between the High Contracting Parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other arbitral tribunal as may be decided in each case by special agreement."

The same article provides that the special agreement preliminary to an arbitration shall in each case be submitted to the Senate for its approval. Thus in every possible arbitration sought to be undertaken pursuant to the general agreement that body retains broad rights respecting the organization of the court, the scope of the powers of the arbitrators, the question at issue, the terms of reference, and the procedure thereunder.

Later articles make elaborate provision for the creation of a "Joint High Commission of Inquiry," to be composed of three members designated by each party. The Commission may, however, be otherwise constituted in any particular case. The function of the Commission is of a twofold character. It is intended, primarily, as its title indicates, as a body to which shall be referred for impartial investigation any controversy between the parties, whether or not the issue is one that falls within the scope of the agreement to arbitrate. Arrangement is also made that a reference before the Commission may be postponed until a year after the request therefor, in order to afford opportunity for diplomatic adjustment of the question at issue. The function of the Commission, as an investigating body, is to facilitate the solution of disputes by elucidating the facts, to define issues presented by such questions, and to make appropriate recommendations. The reports of the Commission are to be purely recommendatory in character, and are not to be regarded as decisions of the issues involved.

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Secondarily, the Commission is empowered to act in a judicial capacity and to render a decision which, under certain circumstances, may be of the utmost significance to a signatory Power. According to Article III., in case of controversy as to whether a particular difference is arbitrable under Article I. the question shall be submitted to the Commission, whose decision that the issue falls within the scope of the treaty, if not opposed by more than one member, shall cause the question to be arbitrated. Thus the Commission may be called upon to interpret the general agreement of the parties.

In a word, the treaties provide for the arbitration of all "justiciable" questions; the institution of a Joint High Commission for purposes of investigation and advice; the clothing of that Commission with power under certain circumstances to interpret the scope of the treaties; the assurance that the terms of each arbitration shall have the approval of the Senate as well as of the President.

Let us turn to the views of the majority of the Senate Committee on Foreign Relations. It is declared at the outset that the Committee assents to the arbitration of all questions embraced within the scope of Article I., and there described as "justiciable." By reason of the definition of that term it is said that "there is little or no limit to the questions which might be brought within this article, provided the two contracting parties consider them justiciable." It is asserted that as no question can be referred to arbitration unless there be agreement that the controversy is justiciable, the most vital point to be decided would be whether a particular difference was of such a character. Obviously any general arbitration treaty, however narrow its scope, demands that the contracting parties shall decide whether particular disputes, as they may arise, fall within the provisions of the convention. Such a decision in each case calls for agreement. Possibility of disagreement cannot be prevented, but the likelihood of disagreement may be rendered remote by the exactness or precision with which arbitrable differences are described. In the pending conventions those differences are declared to be issues which are "susceptible of decision by the application of the principles of law or equity."

No objection is made to the plan for the institution of a Joint High Commission for purposes of investigation and

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advice. The suggestion is made, however, that the confining of membership therein to "nationals instead of to wholly disinterested outsiders" is a retreat from the theory of The Hague Convention of 1907. It must be admitted that the value of the findings or recommendations of disinterested persons, or of the majority of a commission having one or more neutral members, would be of value greater than that of a body comprising solely representatives of parties to the dispute. Because, however, the Commission might be called upon to perform also another altogether different function, which the President doubtless believed that the Senate would be unwilling to intrust to disinterested outsiders, that membership was confined to representatives of the signatory Powers, and thus alike for all purposes the Commission was given a joint character.

The majority of the Committee makes its chief objection to the provision that empowers the Joint High Commission, in case of disagreement between the parties, to decide whether a particular difference is within the scope of the treaty, and hence arbitrable. Almost all opposition to the treaties is centered on this point. There are three distinct sources of criticism. It is contended that the provision is unconstitutional; that its operation is fraught with danger to the State; that the arrangement for membership in the Commission is unwise. Let us examine them separately, considering first the constitutional objection. It is said that:

"The constitutional powers of the Senate are taken away *pro tanto* and are transferred to a commission, upon the composition of which the Senate has no control whatever." It is contended that "to vest in an outside commission the power to say finally what the treaty means by its very general and indefinite language is to vest in that commission the power to make for us an entirely different treaty from that which we supposed ourselves to be making." Because it is concluded that the provision implies a delegation to an outside body of the treaty-making power devolving upon the Senate under the Constitution, the Committee recommends that the clause be stricken out.

The answer of Mr. Root in behalf of the minority is definite and, in the judgment of the writer, conclusive. He asserts that there is no abandonment of the constitutional powers of the Senate, "except on the theory that all general treaties of arbitration involve such an abandonment, and

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no one thinks that is so." He adverts to the fact that according to such conventions, like those of 1908, the President and Senate agree that all cases falling within certain described classes shall be submitted to arbitration. He declares that the provision in the pending treaties to empower the Joint High Commission to decide, under certain circumstances, whether a particular controversy is arbitrable under the treaty " is not delegating to a commission power to say what shall be arbitrated; it is merely empowering the commission to find whether the particular case is one that the President and Senate have said shall be arbitrated." He calls attention to the habit of Congress of imposing upon some outside officer, as in the case of revenue laws, the duty to decide whether a particular article falls within a dutiable class.

It is true that there is danger lest the Commission, abusing its power, might place a forced construction upon the language of the treaties. Such a danger exists whenever any tribunal is called upon to interpret any document. The minority of the Committee is not, however, of opinion that the grounds for the fear expressed suffice to justify the radical amendment that is recommended. But it must also be clearly borne in mind that fear lest the Commission might unwisely or improperly construe the treaties affords no support for the assertion that the Senate lacks the power to permit the Commission to exercise such a function. It may be dangerous to allow the Commission to pass upon the scope of the conventions, but it is not for that reason constitutional to authorize it to do so. If, however, apprehension as to the practical operation of the plan be removed, or at least rendered fanciful, it is not believed that Senators will seriously maintain that they are forbidden by the Constitution to empower the Joint High Commission to interpret the scope of an international agreement.

Let us now consider the objections based upon expediency or policy. It is asserted by the Committee that the institution of a joint commission to pass upon the scope of the conventions would encourage foreign signatory Powers to demand the arbitration of issues not justiciable, and thus serve to foment conflict. It is even declared that " such an invitation would be a breeder of war and not of peace, and would rouse a series of disputes now happily at rest, into malign and dangerous activity." This is a serious reflection

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on the good faith of friendly States which solemnly and openly profess a desire to agree to adjust their differences by amicable means. It is not believed that Great Britain and France seek to conclude arbitration treaties with the United States as a means of provoking conflict. On the other hand, the importance of the objection raised must not be underestimated on account of the unhappy terms in which it is couched. Certain classes of controversies are mentioned concerning which fear is expressed. These are issues arising from the assertion of the Monroe Doctrine, controversies concerning the right to exclude aliens from the national domain, and those affecting the territorial integrity of the State. Senator Bacon would add to this list issues concerning the alleged indebtedness of any State of the United States. It will be remembered that the Committee has assented to the arbitration of all justiciable differences. Hence, if any of the foregoing forms of controversy may be fairly regarded as of such a character, the objection is hardly consistent with the earlier admission. And if they clearly possess such a character, there is little ground for belief that the President would decline to have recourse to arbitration should it be demanded. A question can only arise before the Commission at the instigation of a foreign signatory Power, when the President believes the issue to fall outside of the scope of the treaties. The President has met Senator Bacon's objection as to controversies arising from the alleged indebtedness of any State by the declaration in a recent speech that "such a question would not come within the treaty, for the treaty only affects cases hereafter arising, and the cases of the Southern bonds all arose long ago." As the right of a State to regulate immigration is universally recognized, the exclusion of aliens is not a matter in which foreign interference is to be anticipated, "unless," as the President has likewise recently said, "it is covered by a treaty; and then it may properly become a question of treaty construction. But in the absence of a treaty it is not an arbitrable question." The United States has for more than a century been confronted with territorial disputes, many of which have assumed grave character. In a long series of differences respecting land and water boundaries the issue involved has been found to be susceptible of decision by the application of known rules of law. It is not believed, therefore, that a President familiar with the experience of his country would hesi-

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tate to agree that a territorial dispute, in so far at least as it concerned the determination of a boundary, was justiciable by its nature, and hence arbitrable. Objection, therefore, to the arbitration of such a difference is one that is aimed at the scope of Article I., rather than at a problem likely to confront the Commission.

We come now to the Monroe Doctrine. Is there, in fact, danger lest a signatory Power might assert that an act of intervention on the part of the United States, under cover of the Monroe Doctrine, was internationally illegal, and therefore a matter for arbitration? Is there the further danger, in case the President and Senate should decline to regard the issue as justiciable, that a conscientious and fearless Joint High Commission might be convinced that the controversy fell within the scope of the treaty? President Taft has expressed the opinion that differences arising under the Monroe Doctrine, being questions of purely governmental policy, are excluded from the operation of the conventions; he has also stated that Sir Edward Grey has publicly expressed a similar view. Let us pursue the inquiry further. It has been seen that according to Article I. differences which are justiciable, and hence arbitrable, are those which are susceptible of decision by the application of the principles of law or equity. Whether a particular controversy is arbitrable is not, therefore, dependent upon its freedom from a political tinge, or upon its being unrelated to a fixed governmental policy, unless it be admitted that political questions are inherently incapable of solution by the application of principles of law or equity, or unless the generally accepted rules of international law commonly fail to stamp as legal or illegal those acts of a State that express an essentially national policy concerning the affairs of some other. The consequences of such a failure would be appalling. A State might, pursuant to a purely governmental policy, interfere at will with the political independence of its weaker neighbor and still be guilty of no internationally illegal conduct. The acts of intervention, however shocking to the moral sensibilities of the outside world, could not be denounced as illegal, because not contrary to any law of general acceptation. Happily the experience of nations has led to a different result. As a consequence of a universal sense of the need of respect for the political independence of States there has grown up a body of rules of national conduct that are widely known and

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generally observed, and which impose a duty of non-intervention upon the several members of the family of nations, save under very exceptional circumstances. Thus the legality of a broad class of national acts expressive of governmental policy may be commonly tested. For that reason international differences arising from such acts would seem to be justiciable as that term is defined in the treaties.

It is important, however, to observe that, with few exceptions, States have been unwilling to attempt to adjust such controversies by recourse to arbitration. Thus in 1904 the United States was urged by the Government of Colombia to agree to arbitrate before the Permanent Court at The Hague the question as to the propriety of the acts of intervention of the former in Panama, and which resulted in the early recognition of that country as a State. Mr. Hay replied that the grievances of Colombia were of a

> "political nature, such as nations of even the most advanced ideas as to international arbitration have not proposed to deal with by that process. Questions of foreign policy and of the recognition or non-recognition of foreign States are of a purely political nature and do not fall within the domain of judicial decision; and upon these questions this Government has in the present paper defined its position."

Arbitration was, therefore, declined, not because of the absence of known rules of law, by reference to which the propriety of the acts of the United States might be tested, but because the policy of the nation respecting Panama was fixed, and therefore not to be subjected to the possible criticism of an arbitral tribunal.

Mr. Hay's position illustrates well what has hitherto been the usual method of drawing the line between arbitrable and non-arbitrable issues. The test has been based upon expediency rather than upon the existence of rules of law applicable to the case. The inquiry has not been whether or not a particular controversy was justiciable, as that term is employed in the treaties, but whether it concerned a matter of purely governmental policy. The President and the minority of the Committee on Foreign Relations, as well as the majority, are agreed that political questions, so called, should be excluded from the operation of any general arbitration treaty. They realize that issues arising from the assertion of the Monroe Doctrine belong to that class. There is no disagreement as to policy or expediency. The difficulty is one of interpretation. The majority seems to have the

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stronger position. As Article I. makes justiciable all differences which are susceptible of decision by the application of principles of law and equity, the test of what is arbitrable is broader than that announced by Mr. Hay. The clause in question implies that the existence of a known rule of law applicable to a particular dispute renders the issue susceptible of decision. If that is true, certain political questions, such as those arising from acts of intervention, respecting which there is a recognized body of law, must necessarily fall within the scope of the agreement. A foreign signatory Power, still less a courageous and learned Joint Commission, might be unwilling to admit that a controversy arising from the assertion of the Monroe Doctrine was outside of the realm of the accepted law concerning intervention.

The real reason for the issue between those who agree that controversies arising from the Monroe Doctrine should not be referred to a court of arbitration is the difficulty in finding terms that express with exactness the scope of what is sought to be arbitrated. From his recent utterances it appears that the President and his associates undertook to render arbitrable all classes of controversies capable of solution by reference to known principles of law or equity provided they did not relate to matters of purely governmental policy. The language of Article I. is not believed to be entirely successful in expressing that intention. The description of justiciable differences seems to warrant an inference that excludes the President's proviso. With seeming appreciation of the reasonableness of such an interpretation, Mr. Root has proposed that the Senate advise and consent to the ratification,

"with the understanding, to be made a part of such ratification, that the treaty does not authorize the submission to arbitration of any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions or other purely governmental policy."

If the description of justiciable differences requires explanation or restriction, there would appear to be no reason why the necessary words should not be attached to the clause that purports to fix the scope of the treaties. Inasmuch as the conventions are to become models for proposal to other friendly States, it would be desirable to offer a draft expressing with exactness in its main provisions the understanding of the United States. It is believed that the fol-

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lowing clause added to the reference to justiciable differences in Article I. would suffice: *provided they do not arise from acts of intervention or other expressions of purely governmental policy.* If, however, Mr. Root's proposal is acceptable to his colleagues, there should be no objection offered to its adoption. The explanation is broad enough to render improbable any controversy whether or not a particular difference arose under the Monroe Doctrine. It would greatly diminish the danger of any dispute concerning the justiciable or arbitrable nature of a pending controversy. In case, however, of an issue on that point, the problem of interpretation imposed upon the Joint High Commission would be relatively narrow and definite. In a word, the treaties, if restricted by this process or by any other, from application to essentially political questions, would be free from what is the chief source of objection to their present scope.

Let us now consider the objection of the majority of the Committee to the provision for membership of the Joint High Commission. It is said that that body "may consist of one or more persons, which may be composed wholly of foreigners or wholly of nationals." It is contended that through the right of appointment "the power of indirect control remains in the hands of the President, and in his hands alone." The President has recently expressed entire willingness that the Senate should exercise the right to confirm the appointment of all American representatives on the Commission. According to the supplementary report of Mr. Burton, it always lies within the power of the Senate to demand and exercise the right of confirmation. No doubt it is contemplated that the Commission, when passing upon the scope of the general agreement, shall consist of not less than six persons. It is believed, however, that in order to remove the possibility of doubt there should be definite provision to that effect. Inasmuch as the problem of interpretation is intrusted to persons who are representatives of the parties to a dispute rather than to disinterested outsiders, the writer ventures the suggestion that the representatives of the United States be, under all circumstances, members of the Senate. Such a requirement would dissipate fear lest the Commission might improperly declare that a particular issue was justiciable, and hence arbitrable. That two Senators would agree with their three

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foreign colleagues that a controversy was justiciable which might be fairly regarded as outside of the scope of the agreement is highly improbable. It is true that, as the *Nation* has pointed out, there is nothing in the conventions to prevent the President from appointing Senators to membership in the Commission. Provision, however, confining American representation to such persons would accomplish more. It would serve to remove the stress now laid upon constitutional and certain other objections. It would insure the safest possible American membership on a board to be called upon by a foreign State to take issue with the President as to the arbitrable character of a particular controversy. Furthermore, an amendment embodying such a provision would not be objectionable to any other signatory Power.

The cause of peace has been so persuasively advocated by President Taft that it is unnecessary to dwell upon the desirability of enlarging the scope of the existing treaties of 1908. One aspect, however, of the present movement deserves attention. It has not been the fear of war that has led statesmen in Europe and America to favor general agreements for the arbitration of grave differences. It has rather been a sense of the folly of war, if justice could be obtained without it. The experience of States within recent years has given solid proof that justice may be had by amicable as well as warlike means, even when controversies affect vital interests and national honor. The solution of the disputes concerning Bering Sea, the Alaskan Boundary, the North Sea Incident, and the North Atlantic Fisheries may be cited as instances. Justice has been obtained in these and numerous other cases because of the existence of a body of law generally accepted by the family of nations, the rules of which have been well known to the courts, and upon which, therefore, aggrieved States have found it possible to rely. According to The Hague Convention for the Pacific Settlement of International Disputes of 1907, respect for law is said to be the basis of international arbitration. It is respect for law, as a vital force regulating the conduct of States and determining the propriety of their acts, that is the foundation of the new treaties. Arbitration is contemplated, not with a view to delegating to neutral judges the task of compromising differences on grounds of expediency, but for the adjustment of controversies susceptible of decision by the application of those legal

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principles that the signatory Powers have themselves labored to establish. The signing of the new conventions is an expression of the faith of the Governments of Great Britain and France, as well as of President Taft, in the sufficiency of those principles for the adjustment of grave controversies that may endanger peace. It is furthermore a token of confidence in the pledge of the signatory Powers to have recourse to arbitration when such differences arise.

The American people already feel the significance of what has taken place, and they are becoming increasingly opposed to the idea of amendment. Nor is the Senate less profoundly impressed. It will not render the treaties abortive by emasculation. It will not withhold approval of the arbitration of all justiciable differences so long as it is clearly understood that political questions, such as those that might arise from the operation of the Monroe Doctrine, are definitely excluded. Finally, it is believed that, undismayed by the constitutional objection, it will be prepared to accept the full provisions for the Joint High Commission if the American representatives, when interpreting the scope of treaties, are to be not less than three in number, and themselves members of the Senate.

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THE NEGLECTED DEPARTMENT

BY JUDGE GEORGE C. HOLT

THE original organization of the courts of the United States, which was accomplished by the Judiciary Act of 1789, was an unusually successful piece of legislation. The system thus established remained unchanged for many years, and, with certain unimportant modifications, still constitutes the national judicial establishment. But, as the business of the Federal courts has developed with the extension of their jurisdiction and the growth of the country, additional legislation has been necessary from time to time to provide for the new requirements of the judicial service. This necessary legislation has generally been adopted; but in some instances, especially in recent years, it has received inadequate consideration or has been wholly neglected. A few members of Congress seem to be hostile to the Federal courts. Many are uninterested in them and indifferent to them. And from various causes for many years there seems to have been a tendency in Congress, whenever it has become necessary to add to the regular judicial establishment or to provide for the permanent requirements of the established courts, to make inadequate provision for those objects, while, on the other hand, the creation of new and special tribunals to pass on particular classes of cases appears to be especially favored. This tendency is not entirely a recent development. Nearly twenty years ago a change in the Federal judicial system, more important than had ever occurred before, was caused by the establishment of the Circuit Courts of Appeals. The business of the Supreme Court had been for many years badly in arrears. To relieve the congestion it was determined to create a system of intermediate courts of appeal. The obviously proper thing to have done would have been to establish new and distinct courts, made up of a proper number of judges, having no

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connection with the courts subject to their appellate jurisdiction. What was actually done was to create courts of appeal to be held by the existing circuit judges, with power in them to call in any of the district judges when necessary. The number of the judges constituting these courts is usually three, and they habitually sit in review of each other's decisions. This system, owing to the high character of the circuit judges, has worked well so far as the decision of the cases is concerned, but the whole scheme was fundamentally objectionable. The number of the judges constituting the court was too small. It is generally recognized that an appellate court, exercising an important jurisdiction, should consist of not less than five, and preferably of seven or nine judges, and that they should have no connection with the courts from which the appeals are taken. By this system a heavy burden of additional work was put on all the Federal judges. In the larger circuits the entire time, and in all the circuits most of the time, of the circuit judges had for some years past been occupied in appellate work. The result has been that they could take little or no part in the original trial of cases in the circuit courts, and most of that work has been done by the district judges in addition to their regular work in their own courts.

Under the new act, going into effect on January 1, 1912, transferring the original jurisdiction of the circuit courts to the district courts, the district judges will continue to do substantially all of that work. In striking contrast with this spirit of parsimony in organizing these important appellate courts has been the action of Congress in establishing various special tribunals. About the same time that the Circuit Courts of Appeals were created the Board of General Appraisers was established. Before its creation all claims of importers to recover from the Government duties alleged to have been illegally exacted were determined by actions at law against the Collector, tried by a jury. Such a tribunal was a good one to try customs cases. On the one hand, it did not incline to favor the Government, as is the tendency in all administrative boards; on the other hand, it usually contained some importers who paid their just duties and who were interested in having other importers pay theirs also. Judge Brown at that time was the only district judge in the Southern District of New York. The amount of labor that he had

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to perform became more than one man could accomplish, and an additional judge was required. Acting on the theory that the cause of the congestion in the Federal courts in New York was the great number of customs cases on the calendar, Congress proceeded to create a board of nine general appraisers to determine the questions previously decided in customs cases by trials at law. It was true that there were thousands of customs cases awaiting decision on the calendar, but hundreds of such cases were precisely alike and were habitually determined by one test case. There was no real congestion in the customs cases, and the appointment of nine appraisers afforded but little relief to the court. One new judge would have accomplished the real object in view; nine new officials were appointed with salaries larger than those of the judges.

The same spirit in legislation has recently been shown in the creation of the Court of Customs Appeals and of the Commerce Court. The jurisdiction of both these courts was formerly exercised by the Circuit Courts of Appeals. None of them was in arrears. They have always heard and decided all the cases on their calendar each year. There was no congestion in the appeals in customs cases or in the appeals from the Interstate Commerce Commission. There was not only no necessity for the creation of such courts, but there are weighty objections to the establishment of any tribunal to decide exclusively a special class of cases, and particularly cases in which the Government is a party. Any court dealing constantly and exclusively with a special class of cases has a tendency to grow narrow and rigid in its decisions. It is especially important that any appellate court should habitually deal with a large variety of cases involving different principles of law, and should bring to the consideration of any particular case a knowledge of the general rules of jurisprudence and the habit of applying them in other cases. Moreover, there are special objections to the establishment of special tribunals sitting at Washington to determine Government cases. These cases are prosecuted by officials who are not infrequently too eager to succeed; and there is no higher obligation on the Federal courts than to protect the just rights of the defendant in suits brought by the United States and to prevent the zeal of the prosecuting officials from bringing about unjust results.

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In the discharge of the duty of making reasonable provision for the proper requirements of the Federal courts in their ordinary administration, there is shown, in certain cases, the same indifference in Congress. Take, for instance, the continual refusal to authorize the employment of stenographers and interpreters for the Federal courts. Stenographers are now universally salaried officers in all other courts in which testimony is taken orally. Stenographic records in cases are a practical necessity in modern litigation. But no provision has ever been made by Congress for their appointment in the Federal courts. In criminal cases the district attorneys engage them and pay them, and such payments are allowed as disbursements of the district attorneys' offices. In civil cases the parties voluntarily employ them when they are employed at all. In a large number of cases there is no need of having the stenographic notes of a trial written out; the principal necessity for such a record is for use in an appeal, and when no appeal is taken a transcript of the stenographic notes is usually useless. When stenographers are appointed by law and paid a salary, the salary presumably pays for the labor of taking the notes. An additional amount is paid for a transcript of the notes by any one ordering it. The result is that no party to a suit is expected to take a copy of the testimony unless he has especially ordered it. But when there are no duly appointed court stenographers, and there is a special employment of them by counsel, they usually assume that copies of the evidence are ordered, and transcribe their notes, and the parties find themselves under an obligation to pay for them whether they need them or not. The omission to provide official stenographers in the National courts practically imposes a heavy, and, in most cases, a needless tax on the litigants.

In the same way no official interpreters are authorized for the Federal courts. The district attorneys employ interpreters in criminal cases, and the parties in civil cases in the same way as stenographers are employed. In a large number of the suits in the National courts, and particularly in criminal cases, witnesses who speak English very imperfectly or not at all are constantly called. It is of the greatest consequence in such cases that the evidence of foreign witnesses be translated accurately by an experienced interpreter. Frequently in trials, when a foreign witness is

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called, no interpreter is at hand and considerable delay often occurs in obtaining one. Objections are often made to the persons proffered as interpreters or to the accuracy of the interpretation of the evidence. The persons produced as interpreters, although usually familiar with the language, often have had no experience in interpreting; and it is very striking how marked the difference is between the work of an experienced interpreter and one who has never before acted in that capacity. The very large and increasing number of foreigners in this country makes the absence of official interpreters a great defect in the organization of the Federal courts. In almost all State courts held in large cities, interpreters are authorized and salaried officials, and the necessity of providing such interpreters in the National courts has long been obvious and has frequently been urged upon the authorities at Washington. But all attempts to have such officials appointed have been fruitless.

A similar defect in the practical administration of the Federal courts is the neglect to make any adequate provision for the transfer of prisoners in criminal cases between the prisons in which they are detained and the courts in which they are tried. In almost all the cities or towns of considerable size in the country in which the State courts are held the sheriff is provided with a prison van for the transfer of prisoners between the court-house and the prison whenever such transfer is necessary. The use of such vans for such purpose is so universal and is so obviously necessary and proper that it seems incredible that the United States marshals should not be provided with them by the Government. But, although urgent applications have been made to Congress to authorize the purchase and use of such vans by the marshals, such applications have always been disregarded. The prisoners awaiting trial in the United States courts are always detained in some State or city jail, under arrangements made for such detention between the State and Federal authorities. Such jails are always some distance away and frequently are a long distance away from the Federal court. The consequence is that whenever it is necessary to have a prisoner produced in court—as, for instance, to attend a preliminary examination before a commissioner, to plead to an indictment, or to attend the trial—a deputy marshal usually leads him handcuffed, on foot, through the street on his way to and from the court. Such

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a proceeding is very humiliating to the prisoner, particularly to a man of previously decent life, is offensive to the public, affords a temptation to the friends of the prisoner to attempt a rescue, and subjects the marshal to a heavy responsibility from the constant possibility of an escape.

The practice upon the final transportation of a convict after sentence to the prison in which the sentence is to be served is even worse. Formerly there were no national prisons, and all United States convicts were imprisoned in State prisons under contracts between the National Government and the States. But there are now two national penitentiaries—one at Leavenworth, Kansas, and one at Atlanta, Georgia. All persons convicted of crime in the Federal courts and sentenced to more than one year's imprisonment who are not so young as to be proper subjects for a reformatory are now sent to one of these penitentiaries, the convicts from the eastern part of the country being sent to Atlanta. But no prison car is provided. A prisoner sentenced at New York to be imprisoned at Atlanta is handcuffed at the Tombs to a deputy marshal, with whom he usually walks through the city and over the ferry to the train for Atlanta at Jersey City. The two there take seats in a car and ride handcuffed together to Atlanta, a railway journey of more than a day and night. It is said that the deputy marshals are not anxious to be designated for these trips. As a system of national prisons has been adopted, they should be established at convenient points. There should be one somewhere in the northern and eastern part of the country. But in any case, if convicts are to be sent to prison in railway trains, and particularly if they are to be sent such long distances as from the Northern States to Atlanta or Leavenworth, the Government should provide a car fitted up with a secure compartment for the convicts and a comfortable place for the marshals accompanying them. The present system will almost certainly result at some time in escapes or in dangerous attempts to escape. Many Federal convicts, such as counterfeiters, for instance, are among the most hardened and desperate criminals that exist; and it is grossly unjust to the marshals to impose such a responsibility upon them when by very simple measures they could be relieved from it. Moreover, it is indecent to subject prisoners to such public humiliation.

But perhaps the most conspicuous instance of the neglect

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of the national judiciary by Congress is the existing system of buildings for the uses of the Federal courts and the entire inadequacy of some of them for present requirements.

It has always been the practice of the Government to include in one building the necessary accommodations for the postal service and the Federal courts. This was originally a very natural arrangement. Every city and town requires a post-office. In those cities in which the Federal courts are held it was a simple method of providing the necessary rooms for their use, when the business of the courts was small, to set aside rooms up-stairs in the post-office building for that purpose. The custom therefore grew up of having, even in the largest cities, a Federal Building, the lower stories of which were used for the postal service and the upper stories for the judicial service. In the small cities separate buildings for the courts and the post-office would probably have involved unreasonable cost. But the court business, particularly in recent years, tends to concentrate more and more in the large cities; and in the large cities, where the courts sit for long periods or continually, the establishment of the courts in the post-office buildings is essentially objectionable. The post-office should be, and usually is, situated in the business center, and therefore in the noisiest part of a city; the courts should be held in a quiet and undisturbed part of a city. Moreover, it is useful to have the community reminded that the Government has a judicial establishment and that it respects its courts. The building in which the Federal court sits is always known to the people as the post-office; and very few persons, even in the cities in which the Federal courts are continually held, ever see anything that suggests their existence.

In New York particularly there are many special reasons for a separate court building. In the first place, the post-office accommodations in the present building are grossly insufficient for the requirements of the postal service itself. For years past the men working there in the postal service have been excessively overworked and overcrowded, especially in summer. The whole building now could well be occupied exclusively by the New York Post-office. Undoubtedly upon the completion of the new post-office building up-town the congestion in the present office will be somewhat relieved. But there will always be a necessity for a large down-town post-office in New York. All the foreign mails

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will always be distributed there, and most of the domestic business mails. If the building were turned over exclusively to the use of the postal service, and there should be at first some portion not required for that service, it would not remain so long. The postal service, like every other business in New York, grows constantly and rapidly; and if at any time there should be any unoccupied rooms in the building there would be sure to be some Government uses for them. Many years ago, when the building was first built, a number of Government inspectors and other officers unconnected with the postal or judicial service were permitted to use rooms there; but they were all forced to leave long since by the constant growth in the business of the departments for which the building was primarily designed.

Moreover, the original design and arrangement of the upper part of the building for the purpose of the courts is fundamentally and irremediably wrong. The Government architect who designed it entirely omitted the usual arrangements which should exist in all court-houses, by which the judges and court officers have access to the court-rooms and to their own chambers and offices by passages distinct from those used by the public. In the present building all the judges and court officers pass between their rooms and the court-rooms through the general corridors in the building. Judges habitually, after sentencing a convict, pass back to their chambers through an angry and weeping crowd of his relatives, friends, and often, perhaps, of his confederates. The lighting and ventilation of the building is generally poor; that of the rooms on the interior court is very bad. Many rooms, originally designed for purposes for which they are not now employed, are either too large or too small for uses to which they are now put. Large spaces are wasted; and the whole building shows a general absence of any architectural skill or capacity in its original design and arrangement.

But the original faults of the building are of slight importance in comparison with the inconvenience resulting from its present overcrowded condition. When the structure was erected Judge Blatchford was the district judge at New York and was the only judge sitting permanently in the building. Judge Benedict came frequently to New York to try criminal cases, but his chambers were in Brooklyn. Judge Johnson, the circuit judge, who lived at Utica, sat

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occasionally in New York, but he was in ill health and absent during much of his term of service. Judge Blatchford performed substantially all the work except the criminal trials. He did all the bankruptcy business; he tried all the admiralty and forfeiture cases; he attended to all the extradition, *habeas corpus,* and naturalization business; in the Circuit Court he tried substantially all the common-law and customs cases with a jury, and substantially all the equity cases, including the patent cases, without a jury. Since that time, in a period of only about forty years, the judicial business in New York has grown until, in the place of one circuit and one district judge, there are now four judges of each court living and sitting constantly in New York City, and they cannot by any means do all the work without assistance. All the judges from the other districts in the circuit sit in New York, from time to time, whenever they can be spared from their own districts. With all this additional aid, it has been impossible to prevent congestion in some branches of the court, and probably it will soon be necessary to appoint more judges. The result is that it is now very difficult to obtain the necessary rooms in the building in which to do the business of the courts, and if more judges are appointed it will be a serious question whether court-rooms or chambers can be provided for them in the building. All the existing court-rooms are now constantly in use. There have been various occasions lately when judges from the other districts who could have sat in New York were prevented from doing so by the fact that there were no court-rooms available. The Interstate Commerce Commission, which often sits in New York and which formerly was usually granted the use of some unoccupied court-room in the Federal Building, has for some years past been generally obliged, at great inconvenience, to obtain a place elsewhere in which to hold its sessions. The chambers provided for the judges appointed in recent years are very inadequate and inconvenient. It has been difficult to find such rooms at all. Those selected have been originally intended for other purposes, and are, in various respects, illy adapted to the use of the judges. The out-of-town judges, most of whom sit in New York for many weeks each year, have practically no chambers at all. They occupy in common one long, ill-lighted, and wholly unfit room in which are four or five desks and chairs, one of which is allotted to each judge. It is impossible, under such cir-

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cumstances, for any of them to transact any private or confidential business with any one or to dictate a letter or an opinion without annoyance to the others. The clerks' offices are in a still worse condition. With the constant growth of business the necessary number of assistants has constantly increased, and the rooms for their use are excessively crowded. The space for filing records and papers is almost entirely filled, and the clerks find constant difficulty in obtaining additional room for them, a condition which constantly increases the possibility of having important papers mislaid and of mistakes in recording. The condition of the district attorney's office is equally congested. Three or four clerks frequently occupy a single small room, and all the work of that important office is done under constant embarrassment and obstruction. The marshal's office is equally crowded.

The important work of the naturalization of aliens suffers especially from the want of adequate rooms in which to transact the business. There has been great and just complaint, particularly since the present naturalization law went into force, of the defects of the existing system of naturalization. The present law is, in its essentials, a good one, although the practice prescribed by it is, in some respects, perhaps too elaborate and complicated. But if the clerks had adequate rooms which they could appropriate to that work, and were afforded sufficient clerical assistance for that branch of their duties, most of the difficulties which have arisen under the existing act would disappear. For years past all applicants for naturalization papers have been obliged to stand in line in the public corridor outside the clerk's office while waiting their turn to enter, because the clerks have no rooms in which to receive them while waiting. The long period of standing in line is hard upon old or feeble applicants, and the line itself is a nuisance in the building. Such a method of dealing with a large crowd of aliens tends to disorder and breeds abuses of various kinds. It is especially important that all the proceedings in the naturalization of aliens should be conducted not only in an orderly, but also in a dignified and, in a certain sense, an imposing manner. The proceeding should impress the applicant with the importance of the step he is taking and with the seriousness with which it is regarded by the Government which admits him to the high privilege of citizenship. Until proper

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facilities are afforded by the Government for the process of naturalization, however, our new citizens will not be impressed by it with the gravity of the proceeding or with the dignity of the Government itself.

The defects in the present Federal Building to which reference has been made are fundamental. A correction of them in some way is an absolute essential to the proper administration of justice in the Federal courts at New York. But there are many other things lacking, not so important perhaps, but which ought to be found, and are expected as a matter of course to be found, in a properly arranged courthouse. There is, for instance, no room for the use of the members of the bar; no waiting-rooms for witnesses, and particularly for women witnesses; no rooms for consultation between counsel and client; no room for representatives of the press; no proper room for the detention of prisoners awaiting trial; no suitable accommodations for jurymen; no restaurant, not even the stall of a vender of light lunches, in the building. Everything about the building is inadequate, inconvenient, overcrowded, and inferior even to most of the arrangements for the Federal courts in other cities in the country; and something should be done, and done at once, to remedy the existing conditions.

There are several ways in which this relief can be accomplished. The usual remedy suggested is to have a large portion of the building now occupied for the postal service turned over to the use of the judicial department as soon as the new post-office, to be built up-town near the new Pennsylvania Railroad station, is completed. But the postal business in the down-town office, even after the completion of the up-town office, will probably require nearly as much room in the building as is now occupied for postal purposes. The men employed in the post-office have long been working in extremely overcrowded and unhealthy rooms and have the first claim to the benefit of any new room afforded by the change. Moreover, the requirements of the service will constantly increase as the postal business develops in future years. Its growth in the past has been steady and rapid, and it is certain to continue; and in a short time, if not at once, the entire room in the building will be needed for postal purposes.

Another remedy suggested is to lease rooms outside for the use of some or all of the court officials, such, for in-

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stance, as the clerks, the marshal, and the district attorney. But such a separation of the courts from their essential officers would be extremely inconvenient to the public and to all the parties concerned. Moreover, the leasing of Government premises from private parties has always proved an extravagant and unsatisfactory method of obtaining premises for the use of public officials.

Another remedy which has been suggested is to have the United States Government enter into some arrangement with the city of New York by which a part of the space in the proposed new County court-house should be assigned to the use of the Federal courts. This would be, in some respects, a convenient arrangement if it could be effected; but, for obvious reasons, it seems to be impracticable. The United States and the city of New York could hardly erect a building in joint ownership, or, if it were erected by one of them, make a satisfactory arrangement for its joint use.

The simplest and most satisfactory course to take is for the United States to acquire in New York a convenient, adequate, and quiet site, and to build upon it a court-house large enough for all the present requirements of the judicial service and so situated as to be capable of future enlargement whenever required by the growth of business. The best solution of the question would appear to be to have the Government sell back to the city the present post-office premises so that the city can remove the building and restore the site to the City Hall Park, and then for the Government to erect two buildings, one for a down-town post-office and one for a Federal court-house. But if the United States shall retain the present post-office building on its present site, it could be wholly used for postal and governmental purposes other than those of the judicial department, and a separate building for a court-house is therefore desirable in any point of view.

A weighty consideration in favor of the erection of separate Federal court-houses in this country is the importance of developing in the public a respect for law and for the tribunals which administer it. For every other department of the Government public buildings have been provided, most of which are appropriate and dignified, and some of which are magnificent. At Washington the legislative branch has its Capitol and its large new office building; the executive branch has its White House and the great buildings erected

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for the use of most of the executive departments. No American visiting Washington, as he looks on these splendid public buildings, fails to feel a pride in his country for having provided for the public service such creditable structures. But the judicial department of the Government has never had any buildings provided for its exclusive use. The Supreme Court sits in a cramped court-room and occupies an inadequate and inconvenient set of rooms in the Capitol. The Department of Justice has always occupied shabby quarters leased from private owners. A new building for the use of this department is about to be erected at Washington, but no steps have been taken for a new building for the Supreme Court. All the Federal courts and judicial officers out of Washington occupy rooms over the post-offices in the cities where they sit; and there is no building in the entire country which suggests to any one that such a thing as a Federal Court of Justice exists. Why should there not be erected at Washington a dignified and noble building, like the splendid "Palaces of Justice" seen in many of the great capitals of Europe, devoted to the use of the Supreme Court and the other courts which sit at Washington? Why should there not be constructed, at least in the great cities in which the United States Circuit Courts of Appeal hold their sessions, Federal court-houses which would be recognized by every passer as the outward representation of that great department of the Government which deals with the administration of justice? At all events, one such court-house should be built in New York City. Most of the revenue of the Government is collected there; more litigated business is done in the Federal courts there than in any other city in the country; and the accommodations provided for the use of the courts there are inferior to those in most of the other cities of the country. The last Congress appropriated about $55,000,000 for the construction and repair of public buildings, principally in small cities and insignificant towns. Why should not a reasonable expenditure for such purposes be made in the metropolis of the country, in which probably a larger amount of Government business is done each year than is done in all the cities and towns for which the appropriations of $55,000,000 for public buildings have been made?

GEORGE C. HOLT.

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THE PLACE OF FORCE IN INTERNATIONAL RELATIONS

BY REAR-ADMIRAL A. T. MAHAN, U. S. N.

In the preceding articles of this series the attempt has been to sustain the thesis that the inter-relations of independent States are not susceptible of full establishment, nor of all necessary adjustment from time to time, upon a basis of law. This is partly because law, whatever the method of its development, whether by custom or statute, cannot be so systematized beforehand as to cover all cases; partly because unforeseen conditions arising, or gradual changes of conditions evolving, existing law is by them outgrown. Thus law often lags behind conditions, and often overlives them. In either case there results an inapplicability, from which the attempt to decide by law would work actual injustice.

The Monroe Doctrine, frequently cited because peculiarly American, illustrates both phases. During our colonial era and for thirty years after the adoption of the Constitution, European powers colonized, conquered, exchanged territories in the American hemisphere, without eliciting from the United States serious opposition based upon a recognized principle. Throughout the period named the conditions which gave origin to the doctrine were unforeseen. These conditions were the revolt of the Spanish-American colonies, involving a future independence of a large part of the American continents, and the intention of the so-called Holy Alliance of continental European States to reduce them to their former allegiance by force of arms. In resistance to this attempt Great Britain and the United States acted in common, though not in concert, and with distinct purpose to use force, if needed. The purpose of the Holy Alliance was not in contravention of law as law then was, nor, as far as I know, as law now is; but in more than one point it traversed

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the policy of the United States and of Great Britain as determined by the changed conditions. That policy was partly one of particular national interest, as understood by each of the protesting nations; partly one of common sympathy with peoples struggling for relief from a very real oppression. There can be little doubt on which side law lay, nor on which justice was. Right was sustained by policy, and by a conviction of rightfulness; the instrument of sustainment being diplomacy through its ordinary channels, backed by force.

The unforeseen conditions which diplomacy and force met thus successfully, and to which law as it then stood was inadequate, were followed by gradual changes. These changes were chiefly in the growing population and wealth of the United States, and in the recognition by her people of the expediency of excluding European quarrels from propagation to this hemisphere; on the same principle that a man is disinclined to see a fire spread in the direction of his own house. As remarked by a New Zealand paper quoted in my last article, we objected to "storm centers at our doors." Upon this view, at the very moment of pronouncement of the Monroe Doctrine, we based the assertion that the American continents were not in future to be open to further European colonization. This determination to maintain the *status quo* of the moment received gradual extension afterward; the denial of colonization being advanced to the denial of the appropriation of American territory in any manner, by conquest in war, or by sale, or by exchange—a further change of conditions. Each of these processes of transfer is a common international transaction, and perfectly lawful by to-day's accepted standards of international law; witnessed, for instance, by such recent events as our own purchase of the Philippines, the conquest of Algiers by France, her military occupation of Morocco, and, incident to the latter, the exchange of African territories between her and Germany.

In America conditions continued to change. At the first Great Britain had rejected the pronouncement against colonization. Hence the coincident action of the two governments against the European alliance had been merely one of momentary expediency, based on divergent motives. British opposition to the spirit of the Monroe Doctrine continued, and was protracted throughout the duration of intestinal strife over slavery. This weakened the vigor which

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otherwise might have been shown by the United States, in virtue of her steady increase in power and of her favorable geographical position. Of this instability of policy the Clayton-Bulwer Treaty of 1850 was in its day the exponent. Not till the national unity had been consolidated, by the results of the War of Secession, was the diplomatic contest with Great Britain maintained with a resolution which issued in the formal supersession of the Clayton-Bulwer Treaty by that of 1901, known as the Hay-Pauncefote.

Doubtless changing conditions in Europe as well as in America, and changing phases of national sentiment, inclining the English-speaking peoples more toward co-operation and less toward opposition, had their part in the general result, favoring the long-established policy of the United States which has been considered. The course of events has been thus summarily outlined, not to revive old antagonisms, but to illustrate that the happy issue has been reached by diplomacy, which deals in arrangements, not by law, which dictates by decisions; and that law throughout was incompetent to deal with situations as they changed. This has been so because there was no law, nor at present does there exist any law, to which the United States could have appealed in support of a position she was determined to maintain. All precedent, all the general custom of nations, has been and is against a course which undoubtedly has contributed to the security of the western world; because it has settled that it is useless for either of two European belligerents to seize an American dependency of the other, unless prepared to encounter also the armed resistance of the United States.

In this particular, the law of nations had overlived the conditions of colonial America and those of the first forty years of national existence of the United States. Conditions had changed, and law had not kept pace with them. Only by specific treaty, accepting the doctrine as binding on both parties, could it be given a statutory position recognizable as determinative by an arbitral court. But no such treaty has been made, nor at the critical moments could have been negotiated. Whether a long-continued acquiescence, or at least absence of contestation, and if so, how long, could be construed by such a court to constitute an established custom, equivalent to a law, I am unable to say; and I fancy the court itself would be puzzled to decide, in view of the cor-

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respondence on the Venezuela boundary in 1895. Even if such a point has been reached now, which is more than doubtful, it certainly had not during by far the greater part of the period of dispute. The final adjustments have been by diplomacy, unaided by law, yet influenced by force.

The Monroe Doctrine is a policy, not a law, and behind it has always lain force; not the less real, because not flaunted. The most characteristic illustration of this was in 1866, when the hundreds of thousands who had fought the War of Secession were still in the prime of their vigor and experience. Then the United States compelled Napoleon III. to evacuate Mexico, but without moving a soldier or expressing a menace. Indeed, force is never more operative than when it is known to exist but is not brandished. Of this General Schofield's mission in 1865-66 afforded an interesting illustration. The object was "to see if the French Emperor could not be made to understand the necessity of withdrawing his army from Mexico, and thus save us the necessity of expelling it by force." * The intimation was conveyed, and the result obtained; but in a manner so void of offense that the ultimate agent, force, can scarcely be said to have appeared. It is often asserted that the existence of the armed forces of Europe, one over against the other, is provocative of war. They might be, they probably would be, if during negotiation or in a moment of excitement they were paraded in threatening manner. Sensible men, however, know well that other sensible men will avoid a known danger, unless circumstances are such that avoidance may be taken to show a yielding to fear; and therefore, unless desirous of collision for specific reasons, as Bismarck was in 1870, they prefer to carry their point by discussion, in which the factor of force is ignored, yet understood.

Can then force, broadly considered, be regarded as an inevitable factor in international adjustments and in the maintenance of the general international balances? The point is interesting, especially at this present moment when the apparent inclination of public sentiment throughout that which we esteem the civilized world, the world of the highest development in material progress, and in artistic and literary culture, is tending toward the elimination of that active display of force which we call war. May it not be that in confounding force with war we are simply ignoring

* Schofield's *Forty-Six Years in the Army*, p. 382.

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a fact of not only general but universal existence? Law, itself, which its extreme advocates desire to see installed in place of War, is, in last analysis, simply force regulated—a most desirable end—but inadequate for the very reason that it is only one manifestation of a power which is manifold in its exhibition. Not only does law for its efficacy depend upon force, as is shown by the entire paraphernalia of justice from the single policeman to the final court of appeal, but under law and within law force continually controls.

In this country we have recently been passing through, and have not yet emerged from, a period in which force, astutely managed and directed, has largely controlled the business relations of the entire community. The force of concentrated capital is as real and as material as the force of an organized army, and it has the same advantage over a multitude of unorganized competitors that an army has over a mob. At times well within memory the contest has narrowed down to a conflict almost personal, at times quite personal, between concentrated financial powers, ending at times in a disabling reverse or disastrous overthrow to one or the other. As the disadvantage of such contests has become apparent to the greater competitors, there has succeeded a disposition to co-operation, corresponding to alliance between political entities for their mutual benefit. Coalescence of force dominates more and more, until the mass of individuals constituting the community realize that such force menaces their independence, and must be opposed by other force; the force of money by the force of votes expressing itself in legislation. This is the condition to-day, the condition of regulation. Yet it is realized that for the benefit of the whole the force of concentrated capital must be permitted free play, within certain limits which are fixed by the opposing forces of the ballot-box.

The States of the world of European civilization, in which America is included, in their organized national activities represent among themselves an international community of competing business organizations. They recognize that the general benefit depends ultimately upon the welfare of each and all; but nevertheless the aim of each is to compass for itself—that is, for its people—the utmost preponderance of advantage possible to be secured. Of this aim and effort, Protection, technically so called, is the most evident and the crudest manifestation. Protection is simply the use of

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force, of national power recognized as legal, to secure commercial advantage; but it becomes immediately apparent that, so far as the system is economically sound, the greater the area that can be embraced within it—that is, the larger the concentration—the more effective is the operation.

Hence results inevitably the attempt to enlarge the national boundaries, in order to include and to administer to the national advantage as much territory at least as can be securely held and profitably exploited. The motives thereto, though not purely economical, are largely so; but undoubtedly there does co-operate the perfectly human and universal motive of enjoyment in mere possession. This must be taken into account, as a real and influential national factor. It is a mistake to argue that because nations and peoples are largely animated by self-interest, self-interest alone moves them; and it is a blunder to infer that there is inconsistency in maintaining the predominance of interested motive, and at the same time affirming the existence of other and competing impulses. Both classes exist. If there be inconsistency here, as is sometimes asserted, the inconsistency is not in the statement, but in the human nature concerning which the statement is made.

The wars of the past half-century bear witness to this, for it may safely be affirmed that self-interest, especially of the pecuniary order, bore in them a relatively small part. The American War of Secession was with both parties one mainly of sentiment; on the one side the objection to see its country dismembered, on the other the instinct of self-preservation, as misunderstood, and of independence as essential to self-preservation. Bismarck's wars of 1864, 1866, and 1870 were motived, doubtless, by the interest of Germany; but they embraced a conception of German racial unity consolidated into political unity which, while assuredly a utilitarian end, was certainly not devoid of a lofty nobleness to which German sentiment responded with an exaltation that ennobled the wars themselves. The war of Russia against Turkey, in 1877, no doubt took account of Russian ambitions concerning Constantinople; but the determining impulse, which constrained even the autocratic Tsardom, was popular sentiment inflamed by sympathy with the oppression of nearby kindred peoples. A similar impulse dictated the war between Spain and the United States; the transfer of the Philippines, the chief material gain, if

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so it can be called, not only was not an object of war, but was accepted with reluctance, under an unwilling sense of duty, as one of its unfortunate results. Various motives, some of them sordid, may have entered into the transactions preceding the war between Great Britain and the Boer republics; but the shuffling, invidious handling of the Uitlander franchise by the Boer Government was the predominating factor. The author of *The Great Illusion* shows clearly enough that much is now done in South Africa contrary to the views of the British Government, an inevitable result of local self-government, especially where there is a color question; but the constitution of South Africa establishes equality of suffrage, in its basis and in its exercise, among all adult white males. Union and equality are thus the outcome of war. The war between Japan and Russia I believe to have been felt by Japan one of national self-preservation; that sentiment prevailed among her people, and not without reason.

It is, I believe, the cardinal mistake of the author of *The Great Illusion* that nations now go to war, or are preparing for war, under the impression that there is financial profit in injuring a neighbor. His other proposition, that the extension of national territory—that is, the bringing a large amount of property under a single administration—is not to the financial advantage of a nation, appears to me as illusory as to maintain that business on a small capital is as profitable as on a large. It is the great amount of unexploited raw material in territories politically backward, and now imperfectly possessed by the nominal owners, which at the present moment constitutes the temptation and the impulse to war of European States. The difficulty of the situation, from the point of view of the peace advocate, is that law is not competent to the solution, while diplomacy is; and that in diplomacy force is always a factor. The recent difficulty between France and Germany, and its method of solution—in fact, the whole Morocco question during the past ten years—illustrates this series of propositions.

As the motives of these several wars rose far above a mere financial advantage, so their results have been beneficial from a nobler point of view. The preservation of the North American Union, with the abolition of the degradation of mankind in slavery, and of the disastrous economical condition of slave labor; the welding of the German race into the German nation, followed by the great industrial and eco-

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nomic advance, which only a unified administration could have insured; the detachment of Bosnia, Herzegovina, and Bulgaria from the rule of Turkey, the benefit to the inhabitants of those provinces, attested by the results and newly witnessed-to in the past years by the miseries of Albania under continued Turkish rule; the advantage to Cuba, Porto Rico, and the Philippines from the substitution of American influence, or American control, for that of Spain; the opportunity of Japan, and her national security, purchased by the successes in Manchuria at a money cost far exceeding in proportion that of any of the other wars named—all these are instances of benefits secured by war, and which could not have been secured by law, for in no one of the cases was there a law which could have accomplished the specific result.

Law could not have abolished slavery; could not have given the impetus which achieved German unity; could not have dispossessed Turkey of her misgoverned territories, nor Spain of hers; could not have extorted from the Kruger *régime* fair treatment for the foreigner, nor established equal rights in South Africa as it was; could not have vindicated the natural rights of Japan against the encroachments of Russia in the Far East. Diplomacy using force accomplished that to which law was unequal, and could not but be. The great objection to law, however, is not merely that it is inadequate, but that in most of the above cases it is inequitable—perpetuates injustice by sanctioning outworn conditions or inapplicable principles.

The extension of national control in order to further national advantage, or to flatter national self-esteem, is a natural outcome of Protection. That the same disposition is observed in the great non-protectionist State —Great Britain—shows how deeply the fundamental idea of Protection is rooted in human nature. But here enters that other universally recognized factor—that forces take the line of least resistance. Probably no State in Europe at the present time seriously contemplates the acquisition by force of the European territory of a rival. In this assumption I do not reckon Turkey as European. Alsace and Lorraine are probably the last examples of such transfer. The reason is plain. Such acquisition cannot be so valuable industrially as to compensate for the expense of the conquest. The armaments of European States now are not so much for protection against conquest as to secure to

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themselves the utmost possible share of the unexploited, or imperfectly exploited, regions of the world; the outlying markets, or storehouses of raw material, which under national control shall minister to national emolument. The case is much like that of the ownership of ore-fields by the Steel Trust of which we have heard so much; the natural, and certainly not unwise, wish of the manufacturer to command his own sources of fuel and raw materials.

But while the scene of such acquisition is elsewhere than in Europe, it is in Europe that the battle is fought. The whole dispute about Morocco is one about colonial empire, as contributory to the advantage of the nations concerned. The solvent is force, because there is no basis of law upon which the question can be settled. As regards the administration of Morocco, the only law applicable is that of the right of the present possessor, which, if capable of maintainment, would simply relegate the territories in dispute to the barbarous anarchy and inutility which has been their lot for centuries past. The redemption to mankind of Algiers, Egypt, India, is the warrant in equity for the forcible suppression of those who occupied and controlled, but failed to justify their possession by results. "Cut it down. Why cumbereth it the ground?" Even the author of *The Great Illusion* holds that co-operation in the subjugation of the planet, the utilization of its resources, is the true warfare of man, and, if I rightly understand him, admits that communities which do not contribute to this may be taken in hand gently and administered temporarily to that end.* But what decides which among several competitors shall be the administrator? Force simply; not only the military force of organized armies and navies, but force of position, or of previous incidents which have given one or another a certain priority of intervention, or advantage of neighborhood, as of France against Germany in the Morocco imbroglio. In the adjustments which take place, armed force, and that in distant Europe itself, has the casting vote, either to maintain or to reverse; and in Europe, not in the remote dependency, would collision take place.

The Open Door, a modern phrase, is another outcome of this desire to increase area in order to gain economic advantage. The Open Door is the reply of other parties to the intervener and appropriator, and the Open Door depends

* *The Great Illusion*, p. 247.

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for maintenance upon force. The Open Door might be defined briefly as the international retort to Protection. Equality of opportunity is demanded, but the demand rests upon force; force possessed with the purpose to use it, if necessary.

It is to be noted in this connection that the outward impulse of the European nations results naturally from the internal competitions of Europe itself; from the settled conditions of political ownership, and from the overtaking of resources by population through a diminution of the one and an increase of the other; both of which are the inevitable result of continued peace and industrial advance. The very high development of corporate efficiency characteristic of Christian civilization as a whole, an efficiency partly political, partly industrial, partly, it is probable, composed of some third factor not so easy to name or define, not only requires ampler fields, but is from its own very nature impatient of surrounding inefficiencies, and disposed to disregard such figments as legal right, based upon mere useless prior occupancy, of unimproved property.

In short, competition for control is extending its sphere from the scene of European civilization to that of extra-European, and exists not only between the European peoples themselves in these exterior regions, but between the present occupants and the intruders. It is a competition not merely of nations, as in Europe and in America, but of civilizations; and of the religions which have stamped their essential characteristics upon the nations professing them. Of the Christian religion the great constituent is power; which in another shape, easily assumed, becomes force. Force is power in action. We are prone to assume, because the personal ideal of the individual Christian, exemplified above all in the Master, is abnegation of self, that therefore power and force are alien from the Christian scheme of character. The history of the Master Himself refutes this. The distinction between the Christian conception and that of its strongest rival in the outside world—Islam—is that of the entrance of the human will into the Divine accomplishment. The conception of Christianity is not the arbitrary will of the Creator, the kismet of the Mohammedan, but the purpose of the Creator conditioned by man's energy in willing co-operation.

Abnegation of self evidently finds its correlative in social

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impulse. The one implies the other. Hence the co-operative impulse, the disposition to efficient organization, as distinct from the personal qualities, however effective, of the individuals of an ill-organized race, proceeds logically from the conception of man's part in the regeneration of the world. To right what is amiss, to convert, to improve, to develop, is of the very essence of the Christian ideal. Without man's responsive effort, God Himself is—not powerless—but deprived of the instrument through which alone He wills to work. Hence the recognition that, if force is necessary, force must be used for the benefit of the community, of the commonwealth of the World. This fundamental proposition is not impaired by the fact that force is best exercised through law, when adequate law exists. Except as the expression of right, law is an incubus.

To such a view aggression, in its primary sense of onward movement, is inevitable. Those who will not move must be swept aside. They may be drawn into the movement by moral forces, as Japan has been; but if not, they must be brought despite themselves into external conditions favorable to their welfare and the general good, as has been done in India, in Egypt, and in the Philippines. As toward conviction of the intellect, upon which religion depends, force is inoperative and the use of it therefore wicked. Christianity as a religious system rests, consequently, upon a different power—a spiritual. But to Christianity as a political system, force, the sword if necessary, is incumbent, if required to remedy environment, to amend external conditions; just as the force underlying law is used to ameliorate social evils.

Recent organized attempts to convert the Church of Christ in this land into a political engine for control of political results in a reported difference of opinion between the Executive and the Senate, call for some plain speaking as to the attitude of Jesus Christ toward the use of force for the remedy of evils. The question is thought to be decided by the application to Him of the title "Prince of Peace." This is a pure begging of the question. Not only is there much imagery associating Him with actual force, even with war, but the phrase cited occurs but once in the Bible, in a Jewish prophecy which the Church has delighted to apply to Christ; but the context shows that the person to whom the words immediately refer is a deliverer whose justice reposes upon power, and by whom, or for whom, a forcible

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deliverance has been wrought from the yoke of an oppressor. Moreover, this conception dominated the thought of the Jews who accepted the prophecy. The peace of Jesus Christ, as He distinctly said, is not as the world giveth. It is the inward peace of the individual resting upon God. This He called emphatically "Mine." The sway of this will be co-extensive with any community so far as the individuals thereof seek it. But in the presence of evil the genius of Christianity is aggressive.

The progress of the changes which the impact of Christianity on the world produces will probably be gradual. It has been so in the past, with a recent accelerated pace—little by little; conditioned by the *vis inertiæ* of the exterior peoples, by the active opposition aroused in them, and by the contemporary rivalries within the Christian commonwealth. Two principal influences will characterize the movement, as they have from the beginning—the influence of ideas and the influence of force. In broad generalization, the Christian Church falls within the first category, the Christian State within the second. Missionary effort is the exponent of the one, armament of the other. The two are too easily confused in discussion, particularly of the philanthropic order. Their spheres are different; and when the Church, as Church, interferes with the State, as State, whether in men's thoughts or in their acts, evil follows. The people of the United States scarcely realize what a potent political agency a Church may be made; and the Christian Church scarcely realizes the injury it will do itself by diverting any of its none too great activity from spiritual ministration to political agitation.

In the past, in other lands, the Church not infrequently has evoked the sword of the State. To-day she seeks to shatter it. In either case she errs. The present discipline of the sword in international relations keeps alive armament and the organization of force—the power of the sword which alone centuries ago checked and rolled back the Saracenic and Turkish invasions. Upon this depends the ability to use force in the great conflict with the powers of political evil in the external world. In days not long past I have written of this as prospective. To-day it is upon us. In it the disarmament of the States of European civilization, the abandonment of the energies of force, will mean the downfall of that civilization.

A. T. MAHAN.

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THE ALASKAN PROBLEM

BY RALPH S. TARR

So much has been written about Alaska in the last year or two that it has been with considerable hesitation that I have ventured to enter the field. My apology for doing so is that, though having traveled widely in Alaska during four summers, I have absolutely no financial interest in it, never have had, and never expect to have. I can, therefore, approach the subject without the influence of personal interest; and no magazine or paper has sent me to Alaska for muck-raking purposes. My interest in the territory has been purely scientific, and I have viewed the country from the standpoint of its geography, which, of course, involves the human responses to environment. This may, perhaps, serve as sufficient excuse for my attempting an analysis of the Alaskan situation as it exists, an examination of the causes that have led to this situation, and, in the light of such a discussion, a consideration of the future.

As to the existing situation, it is no exaggeration to say that, whereas three years ago there was every reason to look forward to continued and rapid progress, now nearly everything is at a standstill. In places retrogression has replaced progress. The towns of Alaska, with hardly an exception, have lost population, and vacant houses and stores exist by the score. People are closing up business and leaving and there is general despondency, especially in the coastal portions, which have been looking forward to the impetus that should result from the building of railroads and the development of the coal-fields.

Alaska and Alaskans have been made the victims of a combination of stupid land laws, awakened public conscience, the clamor of the unreasoning mob, and politics. Since the very earliest days of our national existence the United States Government, one of the great land-owners of the world, has

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been the consistent victim of the land-grabber, and the people have been delightfully indifferent to it, condoning the offense, if they thought of it at all, on the theory that there was plenty for all and that the country was being "developed." With a lack of wisdom that seems almost inexplicable, land laws were passed that were wholly inadequate to the needs of the western country and that very often could be made useful only by evasion. A cattleman could neither buy land for his range nor lease it; he could only have it given to him in small parcels. So with irrigable lands; until Newell's broadly intelligent methods were employed our Government was in the position of an owner of land and water with potential value that it would neither develop itself nor allow any one else to develop. The forest lands of western Washington could neither be purchased nor leased in sufficient quantity to permit lumbering operations. Who would think of starting a lumber-mill on the basis of ownership of a few score acres of timber land? Some have said that the people interested should have seen to it that new and better laws were passed. How easy that sounds! How simple it would be to interest and secure the vote of the Senator from Maine or Louisiana!

The stupidity of our land laws has forced men either to evade them or else to get out of the country; and the laxness of our execution of these laws has encouraged evasion until it has come to be generally believed that such evasion is not only necessary, but right. Location for others by power of attorney, location of adjacent lands by friends and relatives, perhaps with the object of ultimate combination, have been so common and have been passed upon favorably so often and so long that people have looked upon such methods of obtaining control of land as a matter of course. Thus the land has been secured, the country has been "developed," and fortunes have been made out of it, while the Government has not received enough direct return to pay the expenses of the land transfer.

Alaska had begun to be developed under the influence of this system. Land laws wholly inadequate have been in vogue there. People who have never visited the territory have had gold, coal, and other claims located for them. Group locations have been made, sometimes pre-empting the placer gravels of an entire creek or an entire hillside supposed to contain gold-bearing quartz. If such methods of

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location have been deemed necessary and correct in gold location, how much more so is it in the case of coal? Who would think of locating a small patch of coal land in Alaska with the expectation of working it? Yet the Government will neither sell, lease, nor give away enough land to make a coal-mine possible.

Combination is the only visible solution, and combination under Government land laws has been practised for so long a time that it has been considered to bear the stamp of Government approval. Is it correct for a man with power of attorney to locate for his brother or friend or for two or a dozen friends? If so, can there be a written agreement to combine interests? Or a tacit agreement? Or a combination after location? To this day the prospector does not know exactly what is permitted under the law either with reference to coal location or gold claims.

The greater number of locations have been made in good faith and in the light that the prospector had concerning land laws. There is no class of men who are more frank or honest in their dealings than these brave, hardy men. They wish to live up to the law, and the vast majority of them have thought they were doing so and still think so. They feel aggrieved. Granting that some have been deliberately fraudulent and that others have been guilty of evading the law with or without realizing it, there remain others who have done no wrong either intentional or unintentional; and yet these are suffering equally with the most guilty as a result of our hasty, unconsidered action. Men who have spent ten or a dozen years of the best period of their lives, discovering and proving the value of these coal-beds, buoyed by the hope and expectation of ultimately reaping a return either for themselves or their families, find their hopes dashed, their energies wasted, and their time and money gone to no purpose. No, not that, for they have discovered, developed, and proved the value of these "priceless possessions of the sovereign people of the United States." Their reward is abuse and the brand of "thief." It is not right, and no action of the United States Government will be right, that does not involve adequate compensation for these pioneers.

Out of our long period of lethargy there has come an awakening, and the public mind has been fired with the word "conservation." We will no longer leave the stable-door

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open, even though most of the horses are gone. Hail to conservation, I say, even though it has come a full half-century after it should. But let us fully understand what it means, and before applying it let us devise some way in which it can be made workable and effective, and certainly let us see to it that it does not become an instrument of obstruction and destruction. There is danger lest it become a quack medicine that will kill and maim instead of being the cure-all it is proclaimed to be. Even continued exploitation may be preferable to unwise conservation. In Alaska it has so far checked progress, and no immediate prospect of relief is in sight; in the mean time the resources are being effectually "preserved for the future."

It happens that the conservation movement has been essentially contemporaneous with the hue and cry against corporations; and one of these bogies opportunely appeared in the Alaskan field. A great "corporation octopus" settled down on Alaska and its tentacles spread out to the rich and extensive copper deposits of the interior (but the public does not know much about that), and out toward the Controller Bay coal-fields, about which the public has been given a vast amount of exaggerated misinformation. "Alaska in the grasp of a monopoly, its resources pre-empted, the public despoiled of its valuable possessions": this has been a good rallying-cry at a time when "trust-busting" is a popular hobby. In the effort to checkmate the designing syndicate in its move toward the coal-fields the western idea of how to develop new countries clashed with the newly-born eastern ideals of conservation, which, rightly or wrongly, are commonly believed in the west and in Alaska to be ill-judged, impractical, and academic. Then the public was treated to one of the most bitter of political rows, which in some of its aspects bordered on the disreputable. Conservation won, the corporation was halted, and Alaskan progress was checked; for how long a time and how effectually only the future can prove. The only good that has come to Alaska so far has been a wide advertisement, as a result of which people have at last learned something about it; but they have also been told many things that are not so.

Muck-raking and politics have played so large a part in the Alaskan controversy that it is a question whether the public has been given a fair view of the facts in the case of the corporation octopus. The corporation has discreetly

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kept quiet, for now is not the time for a corporation to defend itself. I must confess that I do not know the facts concerning the Morgan-Guggenheim syndicate and its operations; for I have not the honor of acquaintance with any of the principals, and I have no means of gaining and have made no attempt to gain exact information concerning either their motives or their plans. Such facts as I do possess leave me to take, on the whole, a rather favorable and charitable view of this syndicate and to seriously raise the question whether it has had a " square deal "; and I wish to state this view as a possible alternate hypothesis to the theory that it is composed of diabolical schemers whom it is the duty of every true citizen to fight and crush.

In new countries it is commonly recognized that effective development demands the expenditure of large sums of money. It is common in such countries to grant concessions to *induce* capital to provide the facilities for adequate development, and the concessions to syndicates often include valuable rights. Even in our own country this custom has been followed in the case of certain railways; and had it not been possible to secure rights indirectly, and perhaps even fraudulently, the history of development and expansion of our western country would have been far less spectacular than it has been. At a time when most citizens of the United States thought of Alaska as an ice-bound land with a few golden streaks in it, the Morgan-Guggenheim syndicate had the keen business foresight to see that Alaskan copper was a valuable asset, provided it could be brought out to the coast; and it is quite probable that it also fully realized the value and significance of the coal deposits. It proceeded to secure and invest millions of dollars in providing the necessary transportation facilities from the copper-mines, building the Copper River Railway, one of the most remarkable and difficult pieces of railway construction in the world.

It has only recently become a sin for a syndicate to open up a country, and it was not a recognized sin when this particular scheme was financed and begun. It is quite conceivable that the Morgan-Guggenheim syndicate was actuated by perfectly honorable motives in its plans to provide for the development of the Copper River region, and that it expected its profit to come from mineral deposits which its financial genius made of value and by methods in no way

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different from those that have been in vogue for a century in this country. If the corporation has been guilty of fraud it certainly should be prosecuted, and one could not object even to confiscation of its fraudulently acquired property; but the public clamor has been solely that this great octopus is proceeding to devour the Alaskan riches. If this is all that it has been guilty of, then it is being seriously and unjustly punished; for it has invested money which, by a sudden and unannounced change in governmental policy, threatens to be a loss.

For the ultimate benefit of the people as a whole temporary retardation of progress may be justified and even injustice to individuals and corporations excused. It is my belief that ultimate good may, by the exercise of wisdom, yet develop out of the Alaskan situation. If only we can quiet the muck-raker and remove politics from the problems, giving candid consideration less to past mistakes than to future benefits, we may accomplish in Alaska such results as to teach us how mistaken our previous land policy has been. Perhaps in the settlement of the problem finally reached the injustice to individuals can be rectified and even the hated corporation be treated fairly. The plans should, however, soon be formulated so as to avoid unnecessary retardation of development, though even delay is preferable to crude experiment or to inadequate or ill-considered expedients. A definite, broadly formulated plan is needed, and the sooner it is put into operation the better for Alaska and for the country. The key-note to this plan should be rational conservation, which, while checking exploitation, should encourage development. It should include a revision of the land laws, not merely with reference to coal locations, but to correct other evils of location against which the miners justly complain; and it must provide for adequate transportation facilities.

Upon the question of the land laws I do not wish to dwell, for in large part this is but a mere question of detail calling only for honest, intelligent study and decision in the light of experience, of which there is a sufficient body to serve as a guide toward wise revision. With the coal lands, however, a new question arises, and it seems to be quite generally agreed by disinterested persons who have knowledge of the subject that the leasing system is the one of best promise. Any leasing system which is to be successful must give

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opportunity for distinct profit. A mere five or six per cent. on the invested capital is not sufficient inducement for operation in that country. There are difficulties, both climatic and physiographic, with which the eastern legislator and even the eastern engineer has no acquaintance. Operation costs will be high, dangers of loss will be heavy, the market is remote and as yet undeveloped, and the compensation expected for industry in a new, undeveloped country is necessarily higher than in the older regions. All these points must be considered in reaching a wise plan for a system of leasing.

No system of leasing or any other reform in the land laws will be of avail unless in connection with it there is provision for transportation; and this presents a problem of fundamental importance and one in the solution of which no mistake should be made. For adequate development a broadly planned and boldly executed *system* of railways is needed. To talk of solving the Alaskan problem by running a short railway from the Controller Bay coal-fields to the shores of Controller Bay is childish for two reasons. In the first place, the mere fact that Controller Bay is the water body nearest the coal is not necessarily proof that it is the proper port. If the Morgan-Guggenheim people have the normal amount of humor, they must have chuckled at the public clamor over the " gobbling up " of the Controller Bay coast, for they, the first to really occupy the field, already *have* their railway terminal on a *good,* protected harbor at Cordova, not on Controller Bay at all, but on a branch of Prince William Sound. From some of the writings and editorials on this phase of the subject it looks as if the writers might have had in mind Boston Bay and the Charles and Mystic rivers as the counterparts of Controller Bay, the Copper and Bering rivers.

Not only must the railway terminal be wisely selected, but, in the second place, the railway system must be adequate. To run a short line to the coal-fields is only a partial and wholly inadequate solution of the Alaskan problem. It may be true that this is all that is needed to bring the coal out for shipment to the outside; but to provide for the use of the coal in the development of Alaska such a road should be merely a part of a system of railways, growing as the demand arises. Without provision for additional railroads Alaska is to be merely exploited and robbed of its coal. The Morgan-Guggenheim syndicate has indicated the truth of

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this, for at great expense it has run a railway completely across the coastal mountains; and further extension, either to the coal-fields or into the interior, was henceforward simple and doubtless in contemplation. It has made the beginning of a broad-gauge scheme for an Alaskan railway system; and seeing the problem in its larger bearings and relationships, and having broad business experience, it laid its basal plans wisely and with keen foresight. The Government cannot properly be a party to any scheme less wisely planned.

It is my conviction that an adequate system of railway transportation from the coast to the interior of Alaska is demanded to develop the coal-fields, to open up undeveloped mineral-fields, and to connect interior mineral districts on the Yukon and its tributaries with the coast. That there is this need and that it promised profit, if all went well, is proved by the fact that a private concern entered upon its execution in a *bona fide* manner, while numerous other concerns made more or less ineffectual attempts to carry out a similar plan from Katalla, Valdez, and Seward.

The United States is the owner of a vast area of practically undeveloped Alaskan land with great future possibilities, but at present held in check because of the lack of means of access and transportation. If it were an individual, instead of our Government, that owned such valuable property, he would either provide the transportation himself or make it possible for some one else to do so with an arrangement profitable to both. I fail to see wherein the interests of the people of the United States differ materially from those of an individual in this respect. The fact that the United States Government has brought to a standstill the effort of a private concern to provide the needed transportation indicates either that the nation is to undertake the work itself or that it is not to be done at all.

The reasons favoring Government construction of Alaskan railways are as follows: (1) The land belongs to the United States, and the nation has the greatest interest in rendering it valuable and profitable to individuals and to the people as a whole. (2) The region is one that can never be densely settled and that for a long time to come may be expected to be occupied only in spots, and primarily by a mining population. Railroad-building cannot, therefore, be undertaken by private capital in anticipation of the rapid

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extension of a permanent population, as has been done in parts of the United States. (3) Private capital invested in railway properties here must look for quick and abundant profits, and at present these are in sight only in returns from mines owned or controlled by the railways, against which the Government is now opposed.

The United States, on the other hand, can look at the problem from an entirely different point of view, for to it a few years, or even a generation, is an insignificant period of time. Being the owner of the land, it could be content to wait for direct profits from the investment if by it the value of the land is increased and if the requisite settlement and development are made possible. At no time need the Government demand the high rate of interest on the investment that private investors in a new country require. Returns from leases—and leases on gold, copper, and silver prospects, as well as coal, would be preferable to the present system—and growing returns from railway rates would ultimately yield adequate profit if the generally accepted views of Alaska's mineral wealth, in which I concur, are correct. There need never be a period of exorbitant rates; progressive development may be expected; and with wise land laws conservation may at last begin to be really tried out in American territory.

Of course the cry of Socialism is raised against the scheme of Government ownership of railways; but, even granting the claim of the most extreme anti-Socialist against the evil of the system as a whole, it is to be noted that there is here a special case quite different in all its basal principles from the general principle of Government ownership of railways. For the Government to take up and run the railways of the United States would be to substitute one kind of ownership and control for another, on the theory that the new way was the better. In the Alaskan case there is no railway system—only beginnings already checked; and there is no apparent chance of one by private initiative excepting on the basis either of exploitation or of valuable Government concession. The latter is a form of paternalism which we ought to be thankful is passing or past. Neither exploitation nor Government concession ought to be permitted, and the alternatives are either to permit valuable resources to lie idle or for the nation itself to take an interest in its own property and provide for its development.

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If this were an altogether novel scheme one might hesitate about the wisdom of undertaking it; and it must be confessed that when one sees how badly we manage our postal system, as compared with other Great Powers, there is reason to fear a new experiment in extensive governmental control of public utilities. On the other hand, we fortunately can look with the greatest pride upon other and more nearly analogous experiments in governmental control, and, with a hopeful spirit, may trust that equally honest, efficient, and energetic methods may prevail in governmental railway control and leasing systems in Alaska. These are our Government experiment in the Panama Canal zone, one of the greatest national triumphs of governmental management the world has ever seen, and also the less well-known governmental experiment in the arid lands which Frederick H. Newell has been conducting with such remarkable efficiency and success. There the Government is acting as a wise steward of its properties and doing what it can to make them valuable and useful even at the expenditure of vast sums of money. Here is a case quite closely analogous to that in Alaska, substituting dams and ditches for railways, and desert land for mineral deposits; and here, as it is to be hoped may be the case in Alaska, great good is being done to individuals and to the nation; and it is done efficiently, honestly, and without scandal. Conservation of the highest type is being practised—that is, the development of opportunity to increase production by making the highest possible use of the existing resources without exploitation.

As a matter of fact, the United States is, and for a number of years has been, engaged in the business of providing transportation facilities in Alaska, inadequate, to be sure, and far inferior to what Canada has been doing in the neighboring mineral regions of Yukon territory. Our Government has been expending money in the building of both trails and roads in order to facilitate access to mineral lands and to provide routes for the carriage of mail. We have already recognized the principle of governmental provision of transportation facilities in Alaska, the natural extension of which is the construction of railways where most needed.

With rational land laws, with adequate facilities for transportation, with suitable provision for conservation of resources, and with the development that may be expected to follow, what is it reasonable to infer as to the future of

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Alaska? Whatever is said in this connection is necessarily in the nature of prophecy, and therefore liable to error.

One of the great resources, as yet only inadequately developed and imperfectly known, is the natural scenery. The Inside Passage, with its maze of branches, rivals Norway; its glaciers and mountain scenery far excel the Alps in grandeur; the Yukon trip is one of the great river voyages of the world; and the cross-country journey from the Yukon to the sea is one of the most attractive inland journeys on the continent. As yet only a mere fraction of this scenery is accessible with moderate comfort, and most of the best and grandest is wholly inaccessible to the casual traveler. To him who may scoff at the idea of treating scenery as a resource I need refer only to Switzerland; for, as scenery is one of the great natural resources of Switzerland to-day, so it may come to be the case in Alaska in the future. But as a first essential must come means of safely getting there and opportunities for comfort while remaining there. With good steamship lines, with a properly lighted coast, and with a railway connecting the coast and the interior rivers, there will certainly come a stream of travelers, sportsmen, and rest-seekers.

The fisheries of the coast have already developed to a remarkable extent, for here transportation is simple, cheap, and easy to provide. The salmon fisheries have, perhaps, been allowed to develop too fully, as has certainly been the case with the fur-seal and the sea-otter fisheries. Here is apparently opportunity for conservation by further restriction.

The timber resources of Alaska have not been developed at all, the laws prohibiting exportation, and the local use being only of the most limited nature. Alaskans complain bitterly of the obstructive effect of conservation of the forest resources; and it certainly is difficult to see the justice of a policy of restriction and taxation which renders it cheaper to bring wood up from Seattle than to cut it from the near-by forest. To prevent the wasting of the forest and to avoid the disaster of removing timber that the next generation of Alaskans may find a necessity are, of course, praiseworthy objects; but there are sections where there is so much timber that it would surely be sound policy to cut away a considerable area each year with the assurance that with regrowth a sufficient area of timber would be constantly preserved. With

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the German type of forest conservation that encourages use, there is high probability that the timber of Alaska, both in the interior and along the coast, may be safely made to yield a moderate supply of lumber and pulp for export and still leave all that is needed at home. If this conclusion is correct, a continuation of prohibitive conservation is mere stupidity.

Agriculture, normally the basal industry of a country, can hardly be looked upon in this light in viewing Alaska's future. Along the Pacific coast there is no reason why crops should not be raised as freely as in Scandinavia wherever there is suitable soil. The limitations here are not climatic, but physiographic, though it must be noted that there is an excess of precipitation. The difficulty is the limited amount of land sufficiently level, or with sufficiently deep soil, for agriculture. But there are many suitable tracts, and we may fairly look forward to a time, perhaps not very distant, when the coast will be dotted with farms and the hill-slopes cleared for pasture and no longer a uniform stretch of forest wilderness.

In the interior there is an abundance of level land, but the season is so short and frosts are of such frequent occurrence that only hardy crops can be raised in the open; and much of the soil is swampy tundra that in places cannot be economically drained. However, even now one can see as far north as the Arctic Circle flourishing fields of oats, potatoes, cabbages, and hardy fruits and vegetables, though in most cases these are raised merely as a side issue by men whose main occupation is something quite different. These fields prove conclusively the possibilities; and there is certainly the further possibility of successful raising of domestic animals, for the pasture lands are extensive.

With these facts in mind it is a reasonably safe conclusion that the development of agriculture will proceed with the opening up and development of the country. Grant industries that call in a population of sufficient permanence to warrant serious effort to provide food for them, and undoubtedly agriculturists will be found to make the attempt to raise and sell such products as are capable of being produced—namely, some of the main food staples. It does not seem possible that agriculture will lead the way, for the farm crops in such a climate, especially in the interior, can hardly do more than barely support life in the absence of a market for surplus products; nor is it probable that even

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with extensive opening-up of the country the farm products will ever equal in value the products of the mines.

Finally, among Alaskan resources, are the minerals, the chief element in the whole situation, and the immediate excuse for the Alaskan agitation. Up to the present time, if we exclude the gold, the mineral output of Alaska is quite negligible. This is not due to absence of other minerals, but primarily to the undeveloped state of the region, to the lack of capital, to the absence of transportation facilities, and to the remoteness of markets. Prospectors have been looking for quick return, and they have sought it in the precious metal, gold, and in those deposits of it which required least capital—of which they have had little or none—and which have promised the greatest return for the time and money expended. These deposits have naturally been the placer deposits—" the poor man's mine "—out of which a man without capital or mining skill might hope to reap a fortune.

Thus we have witnessed the spectacle of a horde of men rushing to the Klondike, then to Nome, then to the Fairbanks district, then to the Iditaroid; and where they will go next season remains to be seen. In the mean time, Dawson has grown and declined, Nome has followed in the same path, Fairbanks is already beginning to decline, and scores of smaller places have come and gone. The population has shifted nervously about, almost a nomadic people, coming in great numbers in summer, and, if the money permits, going " Outside " in winter. Only a limited permanent population has developed, and thus, in spite of the great output of gold, the population has increased less than a thousand in the decade between 1900 and 1910.

Viewed superficially, this fact might seem indicative of the unwisdom of investing money in the effort to develop the territory; but such a conclusion does not necessarily follow from the facts. In the development of the New World, it has been the common preliminary stage for it to be first occupied by a more or less restless body of forerunners who have sought to pick up such treasure as is to be easily had. Later agriculture, mining, and other stable industries have developed and the population has grown. But in the United States proper this growth has in most parts been favored by the climate and quickly supported by the incoming of capital and the development of transportation. Alaska has not as yet induced a very consid-

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erable number of agriculturists to settle, the double obstacle of remoteness and adverse climate being present in addition to the lack of a stable local market. The risks attendant upon investment in a new, remote, undeveloped country, plus the general ignorance and misconception regarding the Alaskan climate, have served to check the investment of capital in mining and transportation; and now to this is added governmental interference with the one concern that promised the needed capital.

To these factors is to be added the nature of the prospector's interest and desire. Seeking quick return with little or no capital, he searches the gravel deposits and he develops a certain skill in this phase of mining; but the mineral veins in the rock are of much less interest to him because this kind of mining lies outside his experience, it requires a greater expenditure of capital than he possesses, and a failure after exploration is a far more serious matter than a failure in placer exploration. Furthermore, seeking quick returns and being accustomed to seeing it gained in the placer mines, he expects it also from a mineral vein, if by chance he discovers one; consequently, he is apt to hold his improved "prospect" at so high and prohibitive a figure that no one but a natural gambler will buy it or take part in its development.

To-day mining in Alaska may be said to be essentially in the placer gold stage. About three-quarters of the gold is from this source, and the output of other minerals is so small that, with the exception of a few million pounds of copper, it may be neglected. Yet I have no doubt that there are to-day in Alaska a thousand bed-rock mines of gold, silver, and copper which the owners thoroughly believe to be valuable and which are awaiting either purchase or capital for development. In all probability a very large proportion of these prospects will prove to be of little or no value, but among them doubtless will be found other Treadwell or Cliff gold-mines and other Latouche or Bonanza copper-mines. Some of the mine prospects are along the coast, some just back from it, and some far in the interior and so remote from transportation routes that supplies must be drawn in on pack-horses or dog-sleds, while such labor as is employed must be imported and a wage of ten dollars paid for a day's work.

There are too many of these prospects for all of them

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to be failures, but no one can say positively which will be the successful ones until further development work is done; and this calls for capital, which will not come without promise of means of transportation. Lack of transportation facilities is retarding preliminary exploration for prospects, development of prospects discovered, and shipment from mines already capable of producing.

One of the most venturesome kinds of prophecy is that dealing with the value of a mineral vein upon which little exploratory work has been done; but one is justified in going so far as to say that there is every reason for believing that at widely scattered points in Alaska the more stable bedrock mining of gold is on the point of succeeding the placer mining, though that does not mean that placer mining is in danger of becoming extinct. It also seems safe to predict the development of a series of valuable copper mines whenever transportation becomes possible. When such a mine is developed, proved, and capable of shipping ore profitably, it means that a community will develop around it even though far within the Arctic Zone; that freight will come and go; and that other industries will develop, including agriculture, if that be possible in the neighborhood. What a single mineral district may be expected to do toward encouraging settlement finds illustration in the Calumet-Hecla region of Michigan, the Butte region of Montana, and in Alaska in the Treadwell-Juneau district.

If mines of gold, copper, silver, lead, and other minerals are developed, fuel is, of course, of great importance for use in mining, transportation, smelting, and in the houses of the workers. As every one now knows, Alaska has coal of excellent quality and in large quantity, though there is apparently an exaggerated notion abroad as to its extent. Coal is widely scattered, but much of it is of so poor a quality, or so far to one side of the regions of greatest promise in mineral development, that it does not seem likely to be of any great value in the immediate future. But in the Matanuska and Controller Bay fields there are such quantities of good coal as to thoroughly warrant the necessary expenditure for its development for shipment and for local use. This development will lead to settlement in the coal-fields and at the terminals, and it will make possible certain forms of manufacturing, notably the reduction of ores. The extent to which these results are

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attained will depend in large part upon the wisdom with which transportation is provided and mine development encouraged, not only in the coal-fields, but in the other great mineral belts.

If this analysis of the situation is correct in its main principles, there is reason to hope for the growth of a series of industries in Alaska, of which the most important will be the mining industries; and with their growth there will naturally develop a stable population, increasing with the development of industry and broadening in its field of activity as time goes on. The one underlying need to make this possible, assuming that the belief in the mineral wealth of Alaska is correct, is the provision of transportation. Without it, as at present, only the richest deposits can be worked and these only at very great and wasteful expense, while truly valuable deposits will continue to remain untouched. As a land-owner the United States cannot afford to allow these deposits to remain useless, and either private enterprise should be encouraged to furnish necessary transportation facilities or else the Government itself should provide them. Of the two plans the latter would seem to be far the wiser and to promise the best results with the greatest economy.

RALPH S. TARR.

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THE CHINESE STUDENT IN AMERICA*

BY JOHN GRIER HIBBEN

THE amount of indemnity for the loss of life and of property sustained during the Boxer rising which China agreed to pay to the United States was found to be in excess of the claims subsequently presented. Consequently, our government remitted a large portion of this indemnity, and China in turn has devoted this sum to an educational fund, the interest of which is supporting a large number of Government scholars in the schools and colleges of our country. During the last year there were upward of six hundred Chinese students in the United States, and recently over one hundred more have arrived in San Francisco. This intimate educational relation between China and the United States is a notable and unique instance of international comity which must have far-reaching results.

It is a fact profoundly significant and impressive that these young Chinese scholars who represent the veteran civilization of the immemorial past should come to this new land of the west to learn of us. And the question therefore naturally suggests itself, What have we to offer them which they cannot find in their own accumulated stores of learning and tradition? I do not for a moment believe that we possess any superior intellectual power, for we have no gifts of mind that are not also richly theirs. The Chinese scholar is justly famed for his extraordinary powers of acquisition and discernment in the labors of knowledge. Nor do we value learning for its own sake any more highly than they, for China is the only land in the world which recognizes an aristocracy of learning. Nor have we chanced upon any mysterious or occult source of truth which fate has concealed from the wise men of the east, that they should come

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to draw from our wells of knowledge. What then is the nature of this intellectual possession which they would gain from us? It is my purpose to attempt an answer to this question and to indicate what seems to me to be the characteristic features of our western learning which it is their determination in the years they are with us in America to study and to master.

Our body of knowledge has grown to its present proportions and significance through the continuous accumulation of signal inductive achievements. We have been possessed by an absorbing curiosity to understand the causes of things, and we are satisfied with no explanation of causal connection that is not definite and exact, and which does not penetrate to the sources and beginnings of the various phenomena about us. The distinctive mark, therefore, of our intellectual life, as I take it, is its method of investigation and research. We have determined to understand the secrets of nature; by patient observation and resourceful experiment we have laid siege to the very citadel of her kingdom. With us, reason has commanded precedent and prejudice; imagination has waited upon proof, and theory upon verification. We have endeavored to fortify every advanced position, and have learned to push forward into the territory of the unknown with caution, and yet with courage. In this way we have learned to understand nature, and by understanding, to assume rule and control in her realm, making captive her powers and compelling them to do our bidding.

There is also a second feature of our power in knowledge —namely, the increased efficiency which we have gained through the art of organization. As the forces of nature may be combined to produce desired results, in a similar manner human effort may be organized and directed so as to bring about certain particular ends.

I believe, moreover, that the lesson learned through the exact and detailed analysis of physical forces, and the possibility of combining them advantageously so as to serve useful purposes, has proved highly suggestive to the students of nature concerning the significant function of organization in dealing with the forces of human nature also. However this may be, the fact remains that in the history of our race scientific discovery and invention have been always most intimately associated with economic and political

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organization. Just as science is systematized knowledge, social progress is systematized activity.

There is a third peculiar advantage which we as a people possess—namely, that we are exceedingly fortunate in inheriting the results of the combined experience of many nations. We are a composite people, with lines of intellectual ancestry running far back into every phase of European history through the past centuries. Philosophy and art have come to us from Greece, law from Rome, religion from Israel, and a destiny of progress from the Anglo-Saxon blood and spirit peculiarly our own. With this racial endowment, with this historical accumulation due both to the failures and the successes of the past, we should possess a wisdom tempered and tested for the needs of the modern day in which we live.

As these young students come to us from China to search out this body of knowledge and endeavor to make it their own, there is a serious danger which will surely beset them, and against which they should be particularly warned. It is a danger to which all scholars are liable; and in their eagerness to gain a working mastery of this new learning as rapidly as possible these oriental scholars may be peculiarly liable. I refer to the danger of a superficial understanding as regards both the content and the significance of knowledge. It will be easy for them, if I mistake not, to acquire from us a certain kind of surface information; but it is sincerely to be hoped that they will not remain complacently satisfied with it. Let them above all things cultivate the habit of penetrating beneath the surface in the studies which they may be pursuing, and sink their shafts to the lower levels of knowledge, so that they may develop minds which shall have comprehensive grasp and profound insight, compelled by ambition to realize the full measure of their possibilities, and also the possibilities of the subjects which they are investigating.

There are many subtle influences which these students will experience and which will tend to induce a superficial narrow-minded view of learning and of life. They have been sent to this country by their Government for a very definite and specific purpose—that of acquiring the particular kind of knowledge which they can put to immediate use upon their return to their own land. Consequently they will be especially alert to seize upon any and every item of informa-

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tion which bears upon its face the stamp of utility. In their impatience, therefore, to secure the practical advantages of learning, they will naturally fall into the habit of demanding the obvious use of every phase of knowledge presented to them; and where this demand cannot be satisfied by a surface observation, they may not have the intellectual curiosity to search for the treasure which lies concealed in its deeper parts. There is a certain temper of mind which is impatient of everything which does not yield immediate results capable of practical test and visible demonstration. And it is most natural that young and eager students should insensibly take this point of view; for most of the Chinese students in America, if not all, are devoting themselves to tasks of some special interest. They desire particularly to gain that kind of knowledge which will prove serviceable to them in the great industrial and commercial world in which they are to take their place and play their part. They will be impatient to learn how to do things—how to build bridges and railways, develop mines, improve the prevailing methods of agriculture, superintend works of construction and of manufacture—in a word, to learn how to apply the technical knowledge which they may acquire to the needs and demands of the present age. But while pressing forward to grasp the fruit of knowledge they should not fail to possess themselves also of its precious seed.

It is one thing to learn the definite formula and to master the specific process so that one can imitate the method and duplicate the result which may be desired. It is quite a different thing to be able to comprehend the fundamental principles of a science in whose field one's specialty may happen to lie, and so permanently win the heart of knowledge. These students who will one day return to China must be prepared in their various labors to meet the unfamiliar situations which will inevitably confront them from time to time, and bring to bear upon their perplexities all the devices of inventive skill and practical resource. They will discover in the daily round of their work, whatever that work may happen to be, many a new problem for whose solution the usual and recognized methods of procedure will not avail. Only the mind richly equipped and deeply grounded both in fact and in theory will be found capable of dealing successfully with such emergencies; and it is certain that such emergencies are peculiarly liable to occur in a tran-

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sition period of a nation's history such as that upon which China now appears to be entering. In the development of her natural resources, in the control of the vast millions of her people, mysterious in the potential power of their numbers alone, in the beginnings of the nation's second birth of progress, in all the varied needs and demands of the new China, her sons must possess that adequate intellectual power which cannot be imparted by maxim nor applied by formula. They must be able to command whatever they comprehend in such a manner that they will become skilled in the art of adaptation, of readjustment and reconstruction, molding the old material into new forms, as other occasions and other conditions may demand.

Moreover, the scholars of modern China are not to be satisfied merely with the acquisition of that knowledge which the world has already gained. It is quite possible also for some of their number to become original investigators in the regions of science yet unexplored and contributors to the wealth of its treasures. They may sow as well as reap in the field of learning. Why may not the scholars of China, with their natural temperament conducive to the habits of keen observation and reflective thought, become discoverers of truth which will place the nations of the earth under a debt of profound obligation? Let them not overlook the fact that the highest use of knowledge is to promote the progress of knowledge itself. Therefore, with all their getting, may they get that understanding which not merely induces a certain imitative aptitude, but which also begets creative power as well. Such a possibility they may well admit within the range of their imagination, and for a while at least in their younger years allow it to possess their ambition. And to this end, in the pursuit of knowledge let them count nothing insignificant and nothing impossible.

There is a second danger concerning which the Chinese students among us should be forewarned, and it is this, that in an age of transition the good which belongs to the old order may be sacrificed in the eagerness to realize the good of the new. This is a danger against which these young men must particularly guard, for they will become naturally so absorbed in the fulness of the present and so fascinated by the splendor of its possibilities that they will hardly turn their gaze toward the past, their own past, and the glories of its treasures which they can ill afford to lose. China ap-

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pears to be facing a new era of great material progress, possibly greater than has yet occurred in the history of any nation of the world. In this period of material prosperity, therefore, there will be a constant temptation to forget the moral inheritance to which the Chinese have been born and which generation after generation has been transmitted through the teachings of their sages and the traditions of their people, and of which they now are both beneficiaries and guardians. There are some things which, however ancient, can never become antiquated and which can never lose point or significance. They remain age after age eternally fresh and vigorous, universal in their application and sovereign in power. Such are the profound moral precepts of the great Confucius, which the new China dare not outgrow. Such are the national characteristics of the Chinese people generally—their commercial truthfulness and honor, their filial piety and reverence for the sacredness of family ties, the spirit of contentment, of courtesy and of gratitude, the simplicity of needs and desires, and those homely virtues of industry, frugality, and thrift. Against such no material resources of any land can be weighed in the balance. Therefore I would earnestly appeal to them by their ancestral reverence to hold fast to these traditions which are the glory of their birthright and the promise of their destiny.

With the increase of wealth and power there will come to them many a temptation to lessen the rigor of moral authority in their life. The clear distinctions of right and wrong may become confused in the haste to increase dividends and to enhance values. The growing complexity of life may induce a restlessness and discontent quite inimical to the dignity which is bred of the simplicity of manner and spirit so conspicuously characteristic of the Chinese race. Upon them there rests a peculiar obligation to remain true to the best that they are in their endeavor to realize the best that they may become. They must learn that art of conservation which is essential to all true progress. This is not in our power to teach them. It is their task and their responsibility.

There is another grave danger, that these students of our affairs and institutions may take that surface view of things which will show them only the possibilities of their own career, and nothing above or beyond it. It is quite natural that their special work in life should absorb their attention and assume exclusive command of their powers. The pres-

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ent is for China the period of opportunity; never before and perhaps never again in the history of their nation will young men and women of brains and purpose have so many chances of conspicuous success. The call to-day from their land is for the man who knows. In China to-day intelligence is rated at a high premium. In a certain sense the hour has come in advance of the man. At present there are more openings in the Middle Kingdom than there are persons of training and ability to fill them. Consequently the services of the capable and fit will naturally command liberal compensation and an honorable recognition. For such the future is splendid in possibility; neither fate nor fortune can bar their progress. Their own careers are assured. But is there not a more profound view for them to take of their life and its opportunity? These Chinese students in America are in a peculiar sense the wards of their nation. To the wise foresight and generous provision of their government are due the many privileges of an education which they are now enjoying, and which they will continue to enjoy in increasing measure. They cannot fail to be deeply sensible of the obligation resting upon them to make some return for the superior advantages which thus accrue to them. Henceforth in the years to come they will be marked men—marked by virtue of their intellectual rank, and the various prerogatives of power which they will assume by the native right of pre-eminent ability. However private their occupation, they will never be able to escape the responsibilities of public servants. They will belong to their country during the coming years of active service as well as in the present years of their preparation.

The most imperative need of China to-day is a standing army—a standing army, however, not of soldiers, but of wise and devoted patriots who will give serious thought and tireless energy to the solution of their country's most pressing problems. This is the peculiar vocation of these Government students. The call is not to arms; nevertheless it is a call to heroic deeds of national enterprise and valor. The new China looks to them and to the men of their kind to inaugurate and foster those influences among their countrymen which will tend to produce a more efficient central government. She looks to them to secure the protection of property and person to the outermost bounds of her broad empire, and to make the courts of law the seats of justice and

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equity. She looks to them to create a sound system of taxation and of finance; to establish schools and colleges which will assure a free education to all and cause the light of reason to prevail; to devise improved methods of sanitation and hygiene and of protection against flood and famine; to found hospitals, asylums, and public institutions of various kinds for the care of the needy and deficient; and above all things to arouse a public-spirited enthusiasm among all classes, and so develop that sense of national pride and responsibility which is the distinctive mark of a united and progressive people. This is a task sufficiently difficult and varied to provoke the best thought of China's best men. They are to be congratulated who have a part, however small, in this splendid enterprise of the building of a nation.

There is every indication that the development of the new China is to be rapid. It may be slow at first in the process of getting under way, for it is exceedingly difficult to apply an adequate moving force to all parts of this great mass of people; but when once the initial inertia is overcome it will acquire tremendous momentum. And here the knowledge and wisdom of her trained and skilled scholars can enter as factors not only of development but of acceleration as well. For by the contributions which they may be able to make, China may be spared the slow processes of evolution through which European civilization necessarily has been compelled to pass, and be spared, also, much of the evil with which our modern civilization is cursed. It is possible for the men who have found knowledge at the sources to become wise prophets to their people, interpreting the lessons of the past and revealing the possibilities of a new future, they themselves going before, leading the way, and holding high the light for others to see and follow.

We are not so complacent concerning the unmitigated excellence of our civilization that we would wish the Chinese or any other people blindly and unintelligently to copy it. On the contrary, China as a nation is to develop a unique civilization of her own, one which shall realize in a peculiar manner the possibilities of her racial temperament and talent.

Finally I would mention another danger which will surely emerge in the experience of these students upon their return to China—namely, that in the very zeal of their patriotism they may possibly lose that world interest and sympathy

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which are necessary to keep them in touch with the great movements of the human spirit as they are variously manifested among the nations of the earth. China is to have a place and a responsibility as a world empire. Her destiny is not merely to guard her shores from foreign invasion, and her affairs from foreign interference. China has also an international vocation to which her development will compel her to respond. Where there is progress there cannot be isolation; it is no more possible for a self-contained nation to be progressive than it is for a self-sufficient individual. There should be a commerce of sympathies and of ideas as well as of trade between the nations. One who is a true patriot must possess some feeling of reverence for man as man and be able to recognize beneath all racial differences the fundamental unity of humanity.

This is the significance of the missionary spirit which has impelled so many of our noble men and women to leave their native land and in voluntary exile to devote their lives to the people of China. The duty which a man owes to his fellows these foreign teachers, ministers, and physicians have interpreted in the most far-seeing and far-reaching sense. They have gone to the Chinese to bring healing to the body, strength to the spirit, and to point mankind upward. In the midst of an alien people they have illustrated what is meant by the love of humanity.

This love of humanity, however, does not always take the form of missionary zeal and enterprise. It may manifest itself in innumerable ways; and so far as it may lay hold upon the spirit of these young Chinese patriots in any degree whatsoever it will tend to broaden their sympathies, deepen their human interests, and enable them to appreciate the significance of life and life's values from a commanding cosmic point of view. Some of their number no doubt will take a prominent part in the affairs of State; they may be called upon in the course of their careers to enter into diplomatic relations with the representatives of other nations. If so, it is to be sincerely hoped that they will cultivate that spirit of justice and fair dealing which instinctively recognizes the mutual rights and mutual duties universally obtaining between man and man, nation and nation, the world over.

America has always stood for the policy of "China for the Chinese." We believe in it, and we are pledged to sup-

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port it. But we would not have the students who have learned of us interpret this phrase in a narrow and provincial manner. Let them hold to it as a principle of justice and as the declaration of their rights of territorial possession and of administrative autonomy; but let them not proclaim it as a creed of complacence, or as a challenge of defiance.

I have no sympathy with the piratical policy of "China for the world"—that is, China for the world to invade, despoil, and divide. I do believe, however, most profoundly in the possibility of the "world for China," the world of which China may become an integral part, the world from which China may receive and to which China may give, the world as the field of her opportunity and her responsibility.

In looking over the proof of this address, I feel constrained, on account of the recent dramatic events in China, to quote certain words of counsel from a letter of a Government official in Shanghai to his son, who is in one of our American universities:—"Do not think of returning to us on account of our present troubles. Your duty is to stay where you are; go on with your work, and prepare yourself to serve your country which will need you later."

JOHN GRIER HIBBEN.

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THE CLOSED SHOP

BY WALTER GORDON MERRITT

THE "closed shop" is a system prevailing in factories conducted under a fixed rule that none but union men in good standing shall be employed at the trade involved. It is called the "closed shop" because its doors are barred against all employees whom the union does not recognize, and it is contrasted with the "open shop," where both union and non-union men are employed, without discrimination against either. The non-union man may be denied union membership; he may have been suspended or expelled, or he may not desire membership, but in either of these three contingencies the fact, and not the reason, that he is non-union is the conclusive disqualification against employment in a closed shop. As the employer cannot review the union's adjudication that a man is non-union, and as in most unions, like all secret societies, an applicant for membership must be approved or voted in and no court or any other authority can review the organization's action in rejecting the applicant, the result is that no man can secure employment in a closed shop except by consent of the union.

The first thought that strikes one is the prevalence of the demand for the closed shop, the almost universal hatred by the unions of the employer and employee who do not conform to it, and the remarkable ingenuity and ability displayed by unions in their effort to drive from the market the open-shop employer, open-shop products, and the non-union man, together with the irresistible power of their extensive combinations for that purpose. Most of their unlawful acts are designed to forward the closed shop. "Show me an injunction granted," says the president of the Carpenters' Union, "and I will show you one more link forged in the chain of open-shop dogma."

Mr. Gompers, speaking upon the subject for the federated

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unions which he represents, assumes his customary uncompromising tone and says:

"As the immortal Lincoln said: 'This country cannot long remain half free and half slave.' So say we that any establishment cannot long remain or be successfully operated part union and part non-union."

John Mitchell, another officer of the American Federation of Labor, in his optimistic view of organized labor, apparently expects that all the country will eventually pay homage to the closed shop and that the rights of the independent worker will to that extent be abandoned. He is author of the statement that

"with the rapid extension of trade-unions the tendency is toward the growth of compulsory membership in them, and the time will doubtless come when this compulsion will be as general and will be considered as little of a grievance as the compulsory attendance of children at school."

The criticism of the closed shop lies not so much against this *régime* in the isolated cases where it might be mutually and voluntarily sought and desired, but to the penalties and difficulties with which employers and employees are confronted for refusing to conform. For this reason one cannot form an intelligent judgment on the issue until familiar with the methods employed to secure its adoption.

The strike is usually the first weapon employed to unionize or close a shop. Court decisions which condemn such a combination state that if this attitude is aimed at some unskilled or truly undesirable associate the combination is justified and legal, but the mere fact that a man is non-union affords no excuse for a movement of such coercive power to deprive him of employment. By methods similar to this non-union workmen have been followed from one position to another and their discharge successively dictated by the same threat addressed to their successive employers.

In cases where strikes fail of their purpose the American Federation of Labor, with a constitution providing for boycotting, has elaborate and powerful boycotting machinery available to each affiliated union in its efforts to enforce the closed shop. The Federation has a total membership of nearly 2,000,000 members, controlling a purchasing power of 10,000,000—over a tenth of our entire population. This membership is enjoined to observe all boycotts under penalty of fines or expulsion, and is divided and subdivided into national trade unions, some 30,000 local unions, over 500 city federations, and some 30 State fed-

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erations. The 500 city federations are local federations of all the unions in a particular city, while the State federations hold the same relation to all the unions in a particular State. Thus the organizers of the American Federation of Labor, of which there are about 1,400, and the organizers of the different trade unions can at any time command the entire organized force of all labor unions in a city, or all labor unions in a State, in their efforts to prevent a local dealer handling merchandise produced by an open-shop employer. With agents in every trade center of the country and local federations of all trades to act at their commands, with traveling agents going from city to city, and spies to detect open-shop shipments and telegraph the information to the unions at the place of consignment, we have a phenomenon hitherto unknown in either democratic or despotic States, with its branches like veins throughout our entire society. When we reflect on the utter impossibility of escaping from the observation and tyranny of this movement in any remote section of the country where it may choose to pursue, and remember that it is largely designed and manipulated to eliminate the non-union worker from industry, our feelings change to alarm. All other attempts at secret orders and societies or the conduct of organized feuds pale into insignificance before the ramifications, power, and aspirations of this institution. The idea staggers the imagination, for it discloses the irresistible machinery of an army of well-disciplined men against which the non-conformist is helpless.

Unfortunately, the use of the union label is another example of the same tyranny and intolerance, for had it not been for this general persecution by organized labor and its desire to exclude the unorganized workers the union label would never have been brought into operation. It is another way of discriminating against the employer who harbors the non-conformist. In practically no instance does it appear that the union label stands primarily for such legitimate purposes as skill, hours, wages, sanitary conditions, and other conditions of employment which it is right and just that the workers should fight for. The only universal test of the right to use the union label is the agreement to discriminate against the non-union worker.

The American Federation of Labor publishes what is called a union label gallery, which gives in pictorial form the labels of about one hundred trades, all of which have the

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indorsement of the American Federation of Labor and the powerful machinery of all its branches to support them. In this way these labels become passports to the market which assure wholesaler and retailer that they may safely purchase the goods, while their absence stamps the merchandise as the handiwork of non-union toil and, therefore, to be shunned and boycotted, or purchased at one's peril.

Another effective way of discriminating against the non-union worker is shown by the methods employed by the United Brotherhood of Carpenters, which is probably the most powerful trade organization in the United States. It has adopted a regulation whereby each of its 200,000 members is forbidden under penalty of ten dollars to handle or work upon any materials which come from an open shop. The manufacturers' customers, or those who might be customers, are told that if they purchase the products of these open shops strikes will be called upon the buildings which they are constructing. If the customer desiring to utilize open-shop materials should employ non-union men to perform the work of installing them, which the union men refuse to perform, he is confronted by another rule that no union carpenters will work for him or any other contractor on any building where non-union men are employed.

So effective has this combination become on the island of Manhattan that practically no wood trim which is produced or worked upon by any non-union woodworker can enter into the construction of buildings on that island. Most of the large builders, in order to avoid the constant repetition of strikes against open-shop woodwork, have entered into a formal written agreement for a period of years not to purchase it, although it can be secured at prices twenty-five to fifty per cent. cheaper that the union material.

Recently a more formidable combination than these two just cited has been formed to further this same attack upon the rights of any worker who does not subscribe to the union principles. Some ten national organizations, including the machinists, sheet metal workers, and molders, have formed a separate department of the American Federation of Labor in order that, among other things, they may assist each other in carrying out work of this kind. This department has issued notices from its headquarters, Washington, D. C., to the various unions belonging to it directing them not to handle or work upon the machinery or other metal work of

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particular concerns which have refused to unionize mills and reject the non-union man. As a result of this manifesto strikes have been called in different parts of the country against this class of non-union products.

All of the numerous trades connected with the construction of buildings and affiliated with the American Federation of Labor have likewise formed a special department connected with the Federation, which is known as the Building Trades Department. Through its headquarters at Washington it is able to direct strikes and boycotts against the building products of any concern which is not being conducted in accordance with the demands of any of the affiliated unions, and the usual method is to call out all trades on any building where open-shop materials are being used. This department has passed a resolution to aid the Metal Trades Department by refusing to handle any metal products or materials which are not made in closed shops, and the co-operation of these two departments in the work of excluding and discriminating against the non-union worker and non-union products presents a formidable scheme which is most alarming to this persecuted class.

If, according to closed-shop advocates, methods such as we have been examining are to make union membership a necessary qualification for employment, it becomes material to consider under what conditions a man can become or remain a member. No man has an enforceable legal right to membership in any trade union, any more than he has in any private order or society. If he applies for membership, or his name is presented by some friendly member, he may be rejected, or "black-balled," as the expression goes, in the same way that he might be so treated by any private society. In some instances non-union men who have displeased the organization have been admitted on condition that they would pay large fines as a penalty for past "scabbing." Some men who have once been members and withdrawn have been obliged to pay dues on the wages they earned for the years that intervened. Unions have also seen fit to close the doors to all applicants for a given period of time, because it was thought that the membership was growing too large. Other restrictions relate to the years and conditions when a man may join, and state that he must serve an apprenticeship of three years and must begin between the ages of 18 and 21. All older men are thus excluded, except in certain

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emergencies where the rules are suspended, and as the number of apprentices is usually limited by the union, even the younger men are often barred except upon the payment of "graft" money to the officers in charge. Some unions discriminate systematically against foreigners. The Carpenters' Union, with 1,900 branches or local unions throughout the United States, will not admit a person to membership except on the majority vote of the members of the local union to which the application is made, and if he is rejected by that branch he cannot thereafter be admitted by any one of the 1,900 locals except by consent of the union to which he made first application and a two-thirds vote of the union to which he made second application. Thus the action of a local union in California, actuated as it might be by a group of members owing the applicant some personal grudge, may keep a man from employment in New York or any other State under the closed-shop *régime*. Such are some of the difficulties which must often be overcome by him who would join or remain a member of the union.

If membership in the union is made synonymous with an opportunity to pursue a trade as it would be in the closed-shop *régime,* there would be no redress from unjust union action which kept a man from his trade by keeping him out of the union. While a private organization may properly control the selection of its own membership, one of the principal functions of Government is to protect liberty and the right to pursue a trade. This truism discloses the fundamental error of the closed-shop idea. If there is one condition incompatible with the principles of democracy and liberty it is a State where the rights and opportunities of pursuing a trade are controlled and monopolized by an irresponsible body of private citizens. Such a condition, maintained though it may be by a combination of working-people, is fraught with the same objections and evils as the despotism of any monarchy or oligarchy.

If a commercial nation in peaceful times cannot protect the rights of its working class to secure employment from those who wish to employ them, it has lamentably failed. If the chance to seek and earn a living is to be vouchsafed by the grace and favor of a private organization, instead of being guaranteed by the Government as in the past, surely that institution will rule in this country, and no other.

Another indictment of the closed shop is that it seeks and

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maintains monopolistic prices and, if successful, would be more oppressive to our people in this way than any other monopoly. To-day the carpenter in New York receives five dollars a day, which is more than is paid in most trades; and we are paying twenty-five to fifty per cent. more for the wood materials they erect in order to avoid purchases from open shops. The craft which does not share this monopoly must pay correspondingly more for the rent of buildings which the carpenter erects without corresponding increase in its wages. The non-producer is a similar sufferer. The consummation of the closed-shop scheme would do more than all combinations of capital to raise prices and the cost of living, as the wages fixed by the union *régime,* with complete control over its craft, would furnish a basis for the cost of production above which all employers, however sharply competing, would be obliged to figure some margin of profit.

The general public would also be injured in another way. If labor unions, by the consummation of their closed-shop aims, can command obedience from all workers, the entire body of workers engaged in industry and transportation can and will be marched out in combined opposition on any issue affecting some one man. Such wide-spread disturbances inflict great damage on disinterested parties and threaten the stability of Government itself. But recently all transportation in Ireland was interrupted because a few porters were discharged for refusing to handle the materials of a boycotted firm. The sympathetic strikes of all industries in Philadelphia at the time of the traction strike threatened to become State-wide, and would have become so under closed-shop conditions. The Debs strikes of 1893 paralyzed the service of all railroads entering Chicago because they hauled cars of the boycotted Pullman Company. These sympathetic combinations disrupting satisfactory relations of neutral employers and employees, and inflicting loss and rioting on the public, are among the worst features of trade-unionism to-day, and the main restraint on them is the fear on the part of labor leaders that they cannot make them succeed. Under the closed-shop rule the conduct of men could be dictated without fear of recalcitrancy and the whole country thrown into turmoil over some local complaint.

If the courts should uphold these combinations to enforce the closed shop, the employers could in the cause of self-defense pursue a similar war of discrimination

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against all union men until, by their combined power and wealth, they were able to bring about the complete disintegration of all trade-unions. Such a war is to be avoided by judicial protection. The trade-union should be permitted to exist and should be protected against any combination of employers to destroy it by making it difficult for its members to obtain employment. Likewise the non-union man and those who choose to employ him have a right to exist, and a combination to drive him into the organization or out of the trade should be suppressed. Nothing could be fairer than to place upon the statute books in all the States a law which forbids any combination on the part of any class of people, whether employers or employees, to discriminate against a man on the ground that he is or is not a member of a labor union.

If nothing but the closed shop would prevent the oppression and persecution of the working class, it might well be contended that all principles of liberty might better be abandoned than to permit such an unfortunate condition to become established. Most people will believe, however, that it is possible for this nation to preserve the traditional rights and liberties of its people and at the same time properly protect the working class. If labor organizations would adopt the methods and policies of the admirable Brotherhood of Locomotive Engineers they would uphold the open shop and make merit and capability the qualifications for membership, so that employers, feeling that it represented the best of the craft, would make generous concessions to it, rather than be obliged to depend exclusively on non-union workers. This is a legitimate and unexploited field of union activity by which it can obtain fair play from the employers. People also forget that protective and powerful weapon, the strike, which has been allotted to organized labor. The history of civilized government affords no parallel whereby law permits a combination of men to enter into a scheme so calculated to imperil and destroy property and personal rights. The organization of a man's factory is usually of more value than the machinery and walls. It is the fruit of years of expense and selection and elimination. There is, moreover, an individuality in the methods and products of most manufacturers to which it takes time for the employees to adapt themselves. The strike by one blow destroys this valuable organization of skilled help, turns the

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factory into a kindergarten, and, for a while at least, paralyzes the business and prevents the further fulfilment of orders. It frequently takes a factory years to reach the same standard of excellence in its production after strikes which are never settled, and the loss of customers who during the period of suspended production drift to competitors is sometimes permanent. The public, accustomed to the frequency of strikes and sympathizing with the employees, often fails to appreciate the power of this weapon, but workers vested with the legal right to inflict such destruction cannot well be oppressed. Tremendous forces are also in the field to guard against the possibility of employing men, women, and children under conditions which will produce an anæmic and deteriorated citizenship in the future. Philanthropic men and women are studying and exposing industrial evils. The American Association for Labor Legislation and the National Child Labor Committee are both powerful and well-conducted movements which are successfully securing the passage in all industrial States of numerous laws for the protection and welfare of the employed. In the last year alone they have been influential in securing the passage of over one hundred laws. Employers themselves have become so enlightened that they are introducing many reforms on their own initiative, and large employers' associations have all been urging legislation as to workingmen's compensation. The conditions prevailing in many industries to-day are satisfactory, and the crying evils are limited to certain industries and localities which will be corrected in the near future by forces and movements much more efficacious than the closed shop, and involving no such sacrifice of the principles of liberty. But were this not true, it would be far better for this nation to embark on a course of paternal or socialistic legislation in the form of compulsory arbitration or direct legislative regulation of wages, hours and conditions of employment than to surrender to irresponsible associations having a record such as labor-unions now have, control of the opportunities of securing employment. Such a course would involve swift and certain destruction of the principles of democratic society and the complete abandonment of the grandest concept of modern government—that the individual rights of all citizens are constitutionally protected against even the encroachment of government itself.

WALTER GORDON MERRITT.

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ECHOS

BY EZRA POUND

I

(Trecento)

Guido Orlando, Singing:

Befits me praise thine empery,
  Lady of Valor,
Past all disproving
Thou art the flower to me—
  Nay, by Love's pallor—
Of all good loving.

For thou alone art she
  In whom love's vested;
And branch hath fairest flower
  Where fruit's suggested.

So great joy comes to me,
  To me observing
How swiftly Thou hast power
  To pay my serving.

II

Two Cloaks

Thou keep'st thy rose-leaf
  Till the rose-time will be over,
Think'st thou that Death will kiss thee?
Think'st thou that the Dark House
  Will find thee such a lover
As I? Will the new roses miss thee?

Prefer my cloak unto the cloak of dust
  'Neath which the last year lies,
For thou shouldst more mistrust
  Time than my eyes.

Ezra Pound.

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THE FUTURE OF THE AMERICAN NOVEL*

BY ARNOLD BENNETT

I

Not long since the American novel had only a past; that past was Nathaniel Hawthorne. But recently it has acquired a future, a gem of brilliant water whose rays have dazzled the eyes of England. The old order changes, giving place to a condition of affairs more in harmony with the principles of the Shipping Combine. The old order is symbolized by a few dozen neat and even splendid villas dotted over the face of England—villas of English novelists, built and supported largely out of American royalties. The new order will be symbolized in America by literary palazzos on the Hudson and in the Adirondacks, and in England by inexpensive rows of semi-detached cottages in the remoter suburbs of London. The pendulum will swing slowly, but it will swing. A few years ago the English author dictated terms to the American publisher as a conqueror dictates terms to the defeated host. That was because the lettered population of the United States firmly believed that its native soil was not favorable to the growth of novelists, while the rich loam of Great Britain produced them in abundance and excellence. "So-and-So a good novelist?" exclaimed the lettered population of the United States. "Impossible! He was born in K'ntucky!" And, of course, England did not contradict; to contradict would have been against human nature and against the axioms of good business. Consequently, the advertisements of English publishers contained scarcely any American names save those of Mr. Henry James and Mr. William Dean Howells, and one or two more, and the advertisements of American publishers teemed with the gospel of

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English genius in fiction. Consider the advertisements of to-day, and you will perceive that the magic slipper is on the other foot.

From a fairly intimate acquaintance with English literary life, I can say that the English novelist has taken his rebuff (I would not call it defeat) cheerfully, even generously. Though it is a fact that the incomes of some English authors have been diminished by from one to three thousand pounds sterling per annum, I have heard little serious complaint. English authors admit that they have been batting on a hard wicket for a prodigious period, and that their innings are over for a time. They accept the situation as one accepts an earthquake or a trade-wind. This is wise of them. That they should in the hour of fiery trial show an intelligent and appreciative interest in the fire that burns them is an astonishing proof of generosity on their part, possibly unequaled in the curiosities of literature. It is, however, no exaggeration to say that at the present moment England is genuinely interested in the phenomenon of American fiction. "Everything happens," said the sagacious Talleyrand—and he was never more sagacious than when he said it—and we recognize that everything may shortly happen in American fiction; in other words, that the Tolstoy of the future is probably now playing baseball, and not cricket. This intelligent interest in American fiction stands quite apart from the notorious and incredible crazes of the last year or two, perhaps because it *is* intelligent. (Still, craze for craze, America may hold her head up; *David Harum* is infinitely nearer to literature that *The Master Christian.*) English writers indubitably display an interest of despair in the fiscal rewards of the heroes of American literary crazes, but their artistic concern is with men and women who are not stars of the first magnitude in the heaven of American public opinion. Writers of the generation of Mr. Henry James they profoundly esteem. And this reminds me of a *mot* of Mr. Barry Pain's in apologizing for the absence of Mr. James at a banquet. "Mr. James," said the author of *The One Before,* "has his own special public all over the world. He can proudly say that he is never read by a stupid man—except, of course, reviewers." But no new departure is expected from the generation of Mr. Henry James. Whereas the future is big with possible developments of the various schools of fiction represented by writers like Mr. James Lane Allen, Mr. Frank

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Norris, Mrs. Gertrude Atherton, Mrs. Edith Wharton, Mr. Hamlin Garland, and Mr. Theodore Dreiser. These are the American names that interest those people in England who can distinguish between a book and a beefsteak. The two American books which last year created the most genuine sensation among the aforesaid circle were Mr. Norris's *The Octopus* and Mr. Theodore Dreiser's *Sister Carrie*. Of the former I shall have more to say presently. Touching the latter, the first exclamation of many people will be: Who is Mr. Theodore Dreiser? Which proves that lookers-on see most of the game. For myself I cannot answer the question as to the identity of Mr. Theodore Dreiser. But the consensus of educated English opinion about his book was too marked to go unnoticed. I am told that this fine and somber work was ignored in America until England began to discuss it, and that even then its reception in the country of its birth was on the zero side of tepid. Yet I am by no means the only English reviewer who has not been more impressed by the work of a new author for years. *Sister Carrie* was forwarded to me for review by the editor of a London literary organ when I was on a holiday, and my attitude toward it was decidedly inimical before I began it. Nevertheless I sent in my review with a note, "This thing is eye-openingly good." The editor replied: "I had read it before I sent it to you, and I also thought it eye-openingly good. But I did not want to bias your opinion by telling you of this." I trust this personal anecdote may be excused, since it illustrates what I may call the "new" English attitude toward American fiction. *Sister Carrie* was one of a special series of American novels issued by an English publisher noted for the fine quality of his fiction. On the binding of that series an American eagle spread its pinions against a background consisting of the Capitol and the risen sun. The eagle has typified much in the past; here it typified an artistic conquest—it indicated that the American novel was aloft.

II

And there are divers reasons for the uprising of the American novel, some minor and one major. I will deal with the minor reasons first.

Americans read vastly more than Englishmen. None but a nation of convinced, inveterate, and incurable readers could support the sixty-four page Sunday editions of the daily

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papers; a less studious race would sink under that massive weight of letterpress, illustrations, and advertisements. But in addition to being a nation of newspaper readers, the United States is a nation of book-buyers. It is notorious that an Englishman never buys a book; any bookseller in the Strand will assure you of that elemental fact. The greatest book-buyers in the world are the French; after them come the Scotch—Edinburgh is certainly the most literary city in Europe except Paris; and next comes the United States. The population of the United States is less than double that of the United Kingdom, yet the circulation of the most popular books in the United States is three, four, and five times that of the most popular books in Britain. If a book in England achieves a sale of fifty thousand copies, the publisher gets excited; if it reaches a hundred thousand, he takes a full page in the *Athenæum* to announce the miracle; if it exceeds a hundred and twenty thousand, he builds himself a lordly pleasure-house and keeps nine gardeners. But in the United States nothing under a quarter of a million is likely to quicken the pulse, and sales of a hundred thousand are as common as corners in foodstuffs. Whatever may be said by the superior against the literary taste of America, it is incontrovertible that Americans do buy books, thus fulfilling the first condition precedent, in these commercial times, to a worthy national literature. American booksellers are in far better case than their English contemporaries, and even Mr. Charles A. Burckhardt, the New York bookseller who at the second annual convention of the American Bookselling Association complained that he had never heard of a bookseller who could afford to ride in his own automobile, was obliged to admit that the state of the profession was so rapidly improving that before many years every bookseller might possess his car. When bibliophiles ride in autocars, then the chances of a great novel coming along are indeed rosy. It is strange, by the way, that a bookseller, even the most pessimistic, should lament the "enormous output of books," as did Mr. Harry Gregory at the same convention. Mr. Gregory said that, because of this output, "not one book in ten could hope to be remembered one year after its publication." A most excellent thing, too! And was it not always thus? Was there ever a period in the whole history of modern publishing when the average book survived for more than a year? Because Thackeray, Dickens, George

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Eliot, and the Brontës wrote forty years ago, people are apt to imagine that the entire literature of that era consisted of immortal works. It is scarcely so. The proportion of feeble books to strong was probably exactly the same then as now. The life of the average book has certainly been somewhat abbreviated of late years; but that is due to the fact that, while money has decreased in worth, the worth of time has been enhanced. Six months of the present are worth twelve months of forty years ago; time is only a metaphysical conception, and in reality the exchange value of a month is no more immutable than that of a five-dollar bill. But my point is that the transitoriness of the average book improves the prospects of the author who is ingenious enough to write a book above the average.

Again, the American is not only more interested in imaginative literature than the Englishman, he is more quickly interested and he is more variously interested. As French is the most artistic and the most uniformly brilliant of all modern literatures, so an intelligent curiosity about French literature is a phenomenon upon which any foreign nation that evinces it has the right to congratulate itself. It is well known that most of the large enterprises in translation which have marked the last decade have had their inception in America. At the present time a twenty-four-volume edition of the works of Théophile Gautier, at three and a half dollars the volume, is being issued, not in London, but in New York. I encountered the other day an English version of the famous sonnets, *Les Trophées,* of José-Maria de Hérédia. It was not an epoch-making effort of translation, but it was a quite creditable essay in the absolutely impossible. The book was published in San Francisco, and my copy was of the third edition. Such things could not occur in London; at least they do not. The profits on the translation of Tolstoy's *Resurrection* were tenfold in America what they were in England. Similar facts might easily be multiplied, but it is not necessary to go further to show that the bookish interests of the United States are free from that "grooviness" which stifles the artistic growth of a national literature.

Another factor which must ultimately "make for righteousness," though the myopic may not think so, is to be seen in the superior shrewdness, enterprise, and daring which characterize American publishing. The methods, and espe-

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cially the advertisements, of American publishers cause smiles in Paternoster Row. But I, for one, would not smile at them. The business of the publisher is, after all, to sell; if he sells he succeeds. How he sells cannot affect the quality of his wares; the author must always attend to that. The American publisher's amazing and unswerving determination to sell cannot fail to have a beneficial effect on American fiction. Look back and you will see that the glories of English and American literature have been published by firms who set out to sell and did sell. Such firms naturally fascinate the best authors, and they extract the best that is in those authors. The first thing that genius wants is money, and money he will have. Scott wanted it, Thackeray wanted it, Balzac badly wanted it; they all wanted it. And, therefore, nothing is more likely to foster genius than a set of commercial conditions nicely calculated to give genius its extreme *quid pro quo* in cash. If the success of *Waverley* had not meant money, does any one suppose that we should have had *The Heart of Midlothian?* The causative connection between money and imaginative energy is one of the most intimate and direct known to social science, but people mention it as little as possible. Lastly, in this regard, I should say that the comparatively large number of publishing centers in the United States must assist the development of literature. In Great Britain there are but two centers, London and Edinburgh (perhaps one ought to put it Edinburgh and London); Oxford and Cambridge certainly publish, but only in the Academic or Pickwickian sense, and Glasgow is not sufficiently active to count. In America most cities, even Portland, seem to publish; and this decentralization should decidedly tend to increase the opportunities of budding talent.

III

But the great argument in favor of the future of the American novel, an argument by the side of which the foregoing contentions are as nothing, lies in the strenuousness, the variety, and the essential romance of American life. A strenuous national life always leads to fine art. The great French romantic movement of the nineteenth century had its roots in the Revolution and the Napoleonic wars. It may be more or less true that America, by the ardor of its will-to-live, is gradually becoming a mass of overwrought nerves,

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a vast stomach for the reception of patent medicines; but it is infallibly certain that this intensity of competition, this interplay of warring activities, this havoc of operations in Wall Street, these monstrous concatenations of dollars, will lead to enterprises equally prodigious, fierce, and astounding in the region of imaginative art. The material is far too good to be wasted. By a kind of natural economic law the epoch which produces the raw material for art will surely produce the artists capable of using that raw material. In material, as well as in creative energy, the American author must decidedly have the start of the rest of the world. And the importance of material cannot well be overestimated. A considerable portion of Balzac's pre-eminence in the novel of actuality is due to the extraordinary wealth of material that lay to his hand. From 1800 to 1830 nothing happened in France that was not picturesque, disturbing, deracinating, or positively seismic. Financial speculation was at its wildest; the rich became poor and the poor became rich; nobles dizzily oscillated between exile and grandeur; thrones fell and were re-established; luxury increased; and beneath all, supporting all, the old agricultural life of the departments ran on almost undisturbed. What would not Balzac have done with Pittsburg, the sixteen-hour express between New York and Chicago, Wall Street, Mr. Pierpont Morgan, and the wheat-growing States? He would have said: "This country is simply steeped in romance; it lies about in heaps. Give me a pen, quick, for Heaven's sake!" And we should have had a second *Comédie Humaine* compared to which the first was a story by Jane Austen for quietude. Not every one, of course, can perceive the romantic quality of American life. Perhaps most Americans are too close to it. The millionaire who retires to a sleepless couch knowing that on the morrow he will be broken; the impoverished housewife who must give her children dry bread because a beef trust will not disclose its account-books—these and such cannot be expected to see the romantic fun. But none the less the artist will see it; and none the less is the romantic fun fine and glorious because suffering is the the very warp and woof of it. You may say that the same state of things prevails in other countries. It does, but in no other country is there the vivifying, resistless energy, the crude force, the marvelous violence of contrast and diversity of scene that delight the soul of the imaginative writer in the United States. It

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is a mere truism to say that while the rest of the world only exists, the United States lives.

All the minute depicting of the thousand forms of local life in America, which is now so prominent a feature of American fiction, is a mere preliminary. It is excellent, admirable, necessary, but it is a preliminary. It is the fiction of States, not of the United States. The great novels of the future will spring from the action and reaction of place on place and activity on activity. They will be big, like American landscapes and fortunes; they must be. They will comprehend everything in one embrace, because only in such a conspectus can the full romantic beauty of each detail be perceived. They will pretty certainly be of two kinds—the two kinds that have always persisted and always will persist—the purely romantic and the romantic-sociological, the Dumas kind and the Balzac kind. Of the former two clever prototypical specimens that have impressed me are *The Short Line War* and *Calumet "K,"* both written in collaboration by Messrs. S. Merwin and H. K. Webster. *Calumet "K"* especially disengages the sheer romance that lies concealed, for instance, in grain elevators, contract jobs, and wheat manipulations. It has faults, but it has the genuine romantic spirit, and it is as modern in material as wireless telegraphy. Of the latter, the Balzac kind, Mr. Frank Norris's *The Octopus* (first of a projected trilogy of novels about wheat) is a notable herald. Indeed, it stands alone. It is almost the only novel yet produced that deals with the activities of modern American life in a manner at once large, serious, and romantic. It is like nothing else, and it succeeds where M. Zola has again and again failed. There can be small doubt that the great novels of the future will run on the lines of *The Octopus,* though one may venture to prophesy that they will contain a little less sentimentality. *The Octopus* is almost fatally vitiated by the sentimentality of the close. And let me finish by asserting that sentimentality is the rock which the ship of American fiction has to steer clear of. The American novelist of the future will do well to bear in mind that life unadulterated is the best possible material for art.

ARNOLD BENNETT.

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THE PARSON-POETS

BY S. G. TALLENTYRE

"HAVE you seen Trench's new volume?" wrote Blakesley to Lord Houghton in 1838. "Here we all think the clergyman has swallowed up the poet."

In the case of Herrick, the Love-poet, and of Thomas Ingoldsby, the Humorist, the poet has swallowed up the clergyman; while with George Herbert, the Saint, the quaint piety of the matter is so exquisitely interwoven with the quaint, sweet music of the manner that one knows not if it be words or melody which have touched the soul.

Robert Herrick was born when the great Elizabethans still filled her spacious times with melody, and son of one Cheapside tradesman though he was and nephew and apprentice of another, lisped in numbers from the first.

He was twenty-two when, in 1613, he became a gentleman commoner of St. John's College, Cambridge, and began writing annual excitable letters to his "most carefull uncle" for ten pounds to buy books. He devised even more ways of spelling his own name in the signature of these letters than he presently devised methods of pronouncing Julia to suit the exigencies of his verse.

He was about nine and twenty—with curly black hair, coarse jaw, and a very prominent hook nose like a Roman emperor's, if one can trust a portrait of the epoch—when he returned to London and, at what he himself called

> "those Lyrick Feasts made at the Sun,
> "The Dog, the Triple Tunne,"

met "rare Ben Jonson," and many of Ben's contemporaries and inferiors. Young Robert knew very well which were the inferiors and was stanch to his devotion to Ben to the end of his life, always filling—it is to be hoped, usually metaphorically—"mighty Bowles up to the brim" that

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he might drink to his "Jonson's soule"; and providing his divinity with a niche—also metaphorical—in his church of Dean Prior:

"Candles I'lle give to thee
And a new Altar;
And thou, Saint Ben, shalt be
Writ in my Psalter."

The poets a poet reverences form a very good indication of the sort of poet he is himself. Herrick indeed knew the best when he saw it, in his own Muse as in other men's; through his poems runs the strong assurance, which is never conceit, that his music, to which for two hundred years scarcely any one attended, rang true and "the day would come when men would hear him."

In 1627, when he was not far short of forty years old, he took orders, and as military chaplain accompanied the Duke of Buckingham on the ill-fated expedition to the Isle de Rhé. Two years later he was appointed to the living of Dean Prior, in a small, deep valley under Dartmoor.

No one seems to know the reason of these steps, or of his not taking some others before him. He says himself he was not ordained for the loaves and fishes. He loved London, and addressed his new county as "lothèd Devonshire." One cannot look in his face, or think of the life of wit and wine in which he had delighted in the metropolis, and believe that nature had designed him for a country incumbency. But he started with at least good resolutions. There is an "Ode Upon Parting" in which he takes leave of the lusts of flesh and fame, and a "Farewell Unto Poetry"— that is, all poetry save the "Noble Numbers" of sacred song. He hired an old servant, Prue, or Prew, "my dearest maid"; he surrounded himself with pet animals; and to the pleasures of his new office—the junketings and wassails, May-day fêtes—he attended with immense zest and regularity.

Of his performance of his duties hardly anything is known except that the "oldest inhabitant" said he once threw his sermon at the congregation when he saw they were not attending to it. Once again, "look in his face"—with that determined, protruding eye—"and you'll" believe "it all."

Then he settled down for eighteen years and, Farewells not being of necessity eternal and nature and inspiration being very strong, was first Herrick the Poet and, a great way after, Herrick the Parson.

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Whether or no he can be said to be one of the most perfect of English lyrists, at least no lyrist ever interpreted more beautifully the laughter of love who knew nothing of its pangs and its tears.

Robert Herrick touched only the lighter chords in the great gamut of human feeling—and touched them exquisitely. Whether his Julia was Heaven's invention or only Herrick's, one can still see her with her complexion of milk and roses, lustrous dark eyes, hair sparkling with dew

> "Dew sate on Julia's haire
> And spangled, too,"

or "bundled up in a golden net"; and those warm, full charms a Herrick must needs adore. The "Lawnie Films" and "Airie Silks," filled with all the perfumes of Araby; the roses at her breast, the black ribbon floating across a fair arm, the first and last poet who made clothes poetic has described with a naïveté which is not the least of his delights.

Many of his poems are like a Watteau picture—only Watteau's models were the court ladies playing at rusticity and Herrick's are more often the country girls with Devonshire air and damp the only paint their cheeks knew, and with a background not of Versailles, but of a vicarage garden full of blossoms.

In that naïveté he is the Pepys of poetry. When he declared of his mistress

> "Be she bald, or does she weare
> Locks incurl'd of other haire,
> I shall find enchantment there"

Parson Herrick was not at all indulging in a jibe at her expense: he was saying what he thought like a child.

So in his religious poems—it must be confessed the Vicar of Dean Prior continued to be more at home in the exquisite epicureanism of the "Hesperides" than in "Noble Numbers"—he expresses simple facts in simple words without the slightest intention of irreverence. In that beautiful "Litanie to the Holy Spirit," at such verses as

> "When the artless Doctor sees
> No one hope but of his Fees,
> And his Skill runs on the lees,
> Sweet Spirit comfort me!"

the reader may smile, but the writer did not.

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His epigrams have the naïveté in a less desirable form: they are the boy—and the boy of a very coarse age—in a passion. One fancies Parson Herrick put into them something of his disgust with a country life and parish vexations, and punished his neighbors for being so dull.

And in a moment the same pen and heart turned to write one of the familiar masterpieces of grace and literature, "To Daisies, Not to Shut so Soon"; "The Night-piece to Julia"; or the two perfect, less-known verses "To Electra":

"I dare not ask a kisse,
I dare not beg a smile,
Lest having that, or this,
I might grow proud the while.

"No, no, the utmost share
Of my desire shall be
Only to kisse that Aire
That lately kissèd Thee."

It is a high testimony to Herrick as a poet that so many of his poems have been set to music; but, after all, few need such a setting—they are immortal music already.

Here and there, but seldom, there are stanzas which bear testimony to the fact that he was aware while he was snug in his Devonshire parsonage with his Prew, his spaniel, his cat, and his lamb, thrones and kingdoms were passing away. For himself he very well knew, in his own words:

"Live by thy Muse thou shalt
. . . . . .
When Monarchies trans-shifted are and gone,
Here shall endure thy vast dominion."

He calmly produced his "Hesperides" in the great warring of nations three months before Charles I. was beheaded.

In 1647, as a good Royalist, he was ejected from Dean Prior; came back, not at all ill-pleased, "to the blest place of my Nativitie," and refuged in poor lodgings in Westminster.

Jonson was dead; the spirit of the age was the spirit of Puritanism—not at all congenial to Parson Herrick, who still enjoyed, one fancies, his "Boules with Sack repleate," and wooed, one knows, a muse not austere. But he was of the disposition which could ever say to fortune:

"Tumble me down, and I will sit
Upon my ruines (smiling yet);
Teare me to tatters; yet I'le be
Patient in my necessitie."

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In 1662 came the turn of the wheel. The parson of Dean Prior was reinstated in his cure. He was then seventy-one years old. Old Prew survived him. To be sure—taking time by the forelock—he wrote her epitaph thirty years before her death. He wrote other epitaphs, tender and graceful, but never evincing the deeper feelings which were his lack.

He died at eighty-three and was buried at Dean Prior as "Robert Herrick, Vicker," on October 15th, 1674; and "Robert Herrick, Vicker," he remained till 1796, when "Sylvanus Urban" of "The Gentleman's Magazine" resuscitated a poet.

George Herbert, who was born in 1593, was at Cambridge at the same time as Herrick, but they do not appear to have met—fortunately, as they would have been very uncongenial.

Herbert had the advantage to belong to a good old family, and the greater advantage—it must be advantageous, for such mothers' sons nearly always turn out well—to be one of the seven boys brought up by a devout widowed mother. One of the seven was Lord Herbert of Cherbury.

According to Izaak Walton, even at Westminster School the beauties of George's "pretty behaviour and wit shined," and he seemed "marked out to become the care of Heaven."

Not too easily, however. At Cambridge he was wit, scholar, gentleman; in 1619, Public Orator; of the world and in it; assiduous in attendance on His Majesty King James I. when he came to neighboring Royston to hunt; had, in fact, high hopes of court preferment, "a genteel humour for clothes" and no little pride of his noble birth; while Lord Herbert of Cherbury mentions fraternally that George had also the family hot temper.

Then James I. died, and, says a biographer, "disappointed ambition made Herbert a saint."

No! For there had long been in him a great struggle of the soul—the desire, but not the strength, to come apart from "the ways of Pleasures, the sweet strains, the lullings and the relishes of it," to a better and obscurer destiny. By 1626 he had been ordained deacon, but took up no clerical work. A few years later he retreated into Kent for long thought and solitude; went through, in his own words, "such spiritual conflicts as none can think but have endured them." At last

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"Methought I heard one calling 'Childe';
And I reply'd 'My Lord.'"

He accepted the little living of Bemerton, near Salisbury, in 1630—it consisted of a few cottages and a population of about one hundred and twenty souls. Before he died there—only three years later—he had done his life's work, and left his "deare Mother," the British Church, her noblest heritage of verse.

George Herbert, as poet and man, has many surely of the qualities which he loved in that Mother—her sobriety, which is not austerity; her large comprehension of the necessities and failings of human nature, her gentle dignity, and her sound reasonableness. Herbert as parson or poet did not hope to turn his people into angels: only into good men and women. His poems are always true to human nature, and so are true art. Yet he had also an exquisite feeling for lyric style; while, as for the quips, cranks, and oddities which were the poetical characteristics of the age, one can hardly dream his poetry without them, and one loves him for them.

No better compliment has ever been paid to his verse than its neglect by the eighteenth century—which was busily engaged in petting Pope, Shenstone, and Cowley—and that Cowper, in the awful melancholy of disordered reason, declared that though he did not find in Herbert a cure for his malady, "yet it never seemed so much alleviated as while I was reading him."

Is every one now always so confident and sanguine that he has no need of the calm, quaint beauty and commonsense of "The Discharge," for instance, which advances Herbert's reasons against worrying over the future?

"Raise not the mudde
Of future depths, but drink the cleare and goode:
Dig not for wo
In times to come, for it will grow.

. . . . . .

God chains the dog till night: wilt loose the chain
And wake thy sorrow?
Wilt thou forestall it, and now grieve to-morrow,
And then again
Grieve freshly over all thy pain?

"Either grief will not come, or if it must
Do not forecast;
While it cometh, it is almost past,
Away, distrust;
My God hath promis'd: He is just."

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Not once, but often and often, Herbert's verse falls like showers after a glaring and arid day.

This age—the age of restlessness *par excellence,* of running to and fro, of testing every experience and at the end feverishly asking *Cui bono?*—may find its answer in "The Pulley," that "story of the world written with the point of a diamond," and one of the most characteristic of Herbert's pieces, full of his strong serenity, his play on words, and even that delicate humor that always threads his seriousness.

The Creator is represented as pouring on the creature all His gifts save one—the gift of rest:

> "'For if I should,' said He,
> 'Bestow this jewell also on My creature
> He would adore My gifts instead of Me,
> . . . . . .
> Yet let him keep the rest,
> But keep them with repining restlessnesse;
> Let him be rich and wearie, that, at least,
> If goodnesse lead him not, yet wearinesse
> May tosse him to My breast.'"

There was no time when the conception of the parson's duty was quite so easy and pleasant as in the Early Victorian epoch. Still, then the clergyman was always a gentleman—whereas he now is so sometimes; and the influence of a genial and upright personality, of a kindly and sensible man who was not in all respects the worse for being something of a man of the world, is apt now to be undervalued.

Richard Barham may be said to have been a fortunate person from the first. He inherited Tappington Wood—a little estate in Kent, very familiar to his readers—when he was a small child. He was upset out of the Dover mail on his way to St. Paul's School—in itself a priceless advantage at the beginning of a term to a youth not more enamoured of learning than a healthy-minded boy should be. Then his hand was so much hurt that the doctors thought his life was lost—and saved it by refusing to amputate.

At school he made a most useful friend in Bentley, afterward his publisher; and at Oxford a most congenial one in Theodore Hook. He enjoyed himself at Brasenose as thoroughly and whole-heartedly as any undergraduate who ever lived. The suicide of a friend and an illness of his own sobered his thoughts and first turned them to the Church—a profession in which he was neither useless nor unconsci-

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entious, and which gave him the time and, in the friends it brought him, the impetus to his other occupation. He made his happy marriage in 1814. He was upset out of a gig a few years later, and in the enforced idleness of recovery from the accident first became a writer.

Was it not part of his good luck that for his earliest literary effort—*Baldwin,* an uncommonly bad novel—he got £20 down, with hopes of more to follow, dependent, indeed, on those " publishing contingencies " which Theodore Hook used to describe as *things that never happen*?

Next, coming to town to consult a doctor on behalf of one of his children, he met a friend about to drop a letter in the post suggesting to a young clergyman that he should stand for a vacant minor canonry of St. Paul's Cathedral. Barham was just in time to prevent the letter being sent. " Why shouldn't *I* stand instead?" He did, was successful, and found himself in the most cheery, interesting and intellectual clerical milieu in England.

But the first and best of " Thomas Ingoldsby's " claims to be a lucky man has not been mentioned. Like Hume and Mr. Micawber, he was born with " an irresistible tendency to seize on a cheering reflection," a disposition which Hume rightly estimated as better worth having than ten thousand a year.

The expression of his face—stout, lively, vivacious, with its sensible, impulsive look—makes one feel happier for the sight of it; and the record of that social, clerical, literary life in London of the 'thirties inspires the reader with something of the pleasant *bonhomie* which inspired it.

In those days Copleston of Llandaff was Dean of St. Paul's; one of its canons was Dr. Blomberg, fiddler and foster-brother of King George IV., and another, Dr. Hughes, the friend of Walter Scott and the husband of a wife who attracted many literary lights to dark Amen Corner, and, if it be the office of a friend to make one do what one can, was one of the best Barham ever had.

Presently Sidney Smith was appointed to a vacant canonry and one of those substantial, well-built houses in the Corner—Sidney Smith, wit, Whig, and reformer; wanting, if you please, to make reforms in the goodly body of minor canons, who naturally felt themselves entirely satisfactory as they were.

Barham was a mellow Tory of the old school—the " rad-

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icalish tone" about *Oliver Twist,* for instance, quite disturbed him. Lord Houghton hints that between him and the greater wit and canon jealousy subsisted. Well, anyhow, the green-eyed monster was not very monstrous. Wit and humorist met perpetually at the most friendly dinner parties in that agreeable and unusually large-minded Close.

To Barham's own table came very often Luttrel, of the *Advice to Julia,* convulsing the company with his epigrams; or Barham's school-friend, Hook, improvised for an hour at the minor-canonical piano. Constantly Barham dined with one of the city companies—he was chaplain to the Vintners and it was among his duties to visit the almshouses of that company at Mile End, where he settled with an admirable wisdom, humor, and patience the differences of the twelve old lady inhabitants—who, of course, *had* to quarrel *pour passer le temps.*

In 1824 he had been made Priest in Ordinary to the Chapel Royal, held with his minor canonry the living of St. Mary Magdalene and St. Gregory by St. Paul's, and performed the then not onerous duties of both offices briskly and satisfactorily. At home he was surely the most delightful father in the world, always good for a joke or a ghost story, and without an iota of that awful stand-offishness then thought necessary to maintain parental dignity.

He lost five of his children in their very early lives. No father could have been more warmly affectionate, but his sanguine and his unselfish temperament rebounded even after grief so crushing; and then Mrs. Hughes impelled him to his destiny.

Unknown to the author she sent to *Blackwood's Magazine* the unfinished MS. of his second novel, *Cousin Nicholas.* The appearance of the first chapter obliged him to think of a last.

Three years later there began to appear, in *Bentley's Miscellany, The Ingoldsby Legends.*

Nothing ages so quickly as humor, and the wit which made our fathers cry with laughter often bores their sons to tears of another description. The wit of "Ingoldsby" certainly lacks delicacy, subtlety and *finesse.* But its loud, frank laugh rings—and may ring forever—jolly and true; the redundant, bubbling, farcical wit—the wit which absolutely *had* to let off steam—has in it something which compels one to laughter, though one had decided not to be

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amused, and is an admirable picture of the humor of the time in which it was written. Here and there, too, though rarely, there are not wanting signs that to this frolicsome and easy versifier was not denied the last, best gift of the humorist—the gift of tears.

To stay the jest because what seems ludicrous to oneself may be deeply serious to other people was a refinement of sentiment not common in the 'thirties. Barham certainly only intended, when he wrote his broad satire on Rome, to laugh folly and imposture out of court, and would have been astonished and hurt at the suggestion of offense. But in his last days—"As I laye a-Thynkynge, a-Thynkynge"—the idea that he might have given pain where he had meant only to provoke mirth occurred to trouble the kindest heart in the world.

His youngest boy died in the cholera epidemic of 1840, and a year later his friend Hook. From such losses even his elastic spirits could hardly recover. He died in 1845, having left to English literature a work which, whatever its merits, and they are many, and whatever its defects and limitations, and they are not a few, is of its kind unique.

One sees Herrick's muse as the loveliest of country girls, with her arms heaped with flowers, "cloathes" that "are conspirators" to aid her charms, whispering her amorous message in her parson's ear; Herbert's Muse has something of the naïve and grave-eyed simplicity of a child-saint listenening, rapt and innocent, for a heavenly music; and with Barham one sees no Muse at all, but always the white-tied, sensible, round-faced parson himself, with the easy jokes running off the end of his pen, not all unlike the good and jolly monks he depicted with such a rollicking good humor, and always a man and a brother.

S. G. Tallentyre.

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THE FUTURE OF AMERICAN IDEALS

BY PRESCOTT F. HALL

GOBINEAU once said, "America is likely to be, not the cradle of a new, but the grave of an old race." Is there, indeed, a danger that the race which has made our country great will pass away, and that the ideals and institutions which it has cherished will also pass?

It seems to be generally agreed that down to the period of fifteen years or so after the close of the Civil War there was a fairly definite American type, which had expressed itself, not so much in literature or art, as in politics and invention, and in certain social ideals. Washington and Lincoln, however different in some respects, both represented a certain type of English civilization, and both stood for certain political, social, and ethical points of view. The original settlers of this country were mainly Teutonic, belonging to what is now called the Baltic race, from northern Europe, which has always been distinguished for energy, initiative, and self-reliance. Impatient of much government, relying upon self-help rather than the paternalism of the State, this race was none the less firm in its allegiance to certain pretty definite religious and social standards. It insisted from the beginning on general education, and where opportunities for schooling were wanting there was nevertheless a wide training given by interchange of ideas in the home, on the farm, in the church, and in the town meeting. In town affairs every citizen was expected to take part, and usually did so, thus conferring a benefit on the community and receiving something in exchange. The result of this common racial origin and of these relatively homogeneous institutions was, as I have said, the amalgamation of the people into a fairly definite national type.*

* Perhaps the best statement of the proper conditions of race mixture is in Houston Stewart Chamberlain's *Foundations of the XIXth Century,*

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What has happened since then? To-day, less than one-half of our people are descendants of the original stock and of the early settlers. Since 1820, we have received from Europe and Asia some twenty-eight millions of people. About one-third of these came prior to 1880 and were of races kindred to those already here; in other words, they had a common heritage of institutions if not of language, and were assimilated into the general population with comparative ease. The other two-thirds, the eighteen millions who have come since 1880, have been, on the other hand, of entirely different races—of Alpine, Mediterranean, Asiatic, and African stocks. These races have an entirely different mental make-up from the Baltic race; they bring with them an inheritance of widely differing political and social ideals, and a training under social and political institutions very different from ours. The Slavic races, for example, differ from the Teutonic in temperament as much as the emotional nations of the Mediterranean. The South Italian, which constitutes the largest element in our present immigration, is one of the most mixed races in Europe and is partly African, owing to the negroid migration from Carthage to Italy. The modern Greek is by no means the Greek of the time of Pericles, either in race or temperament. The Hebrew, which constitutes the next largest element of immigration, in spite of long residence in Europe is still, as it always has been, an Asiatic race; while the Syrians, Chinese, Japanese, and Hindus are still more removed from the civilization of northern Europe and America.

This movement of peoples from the Old World to the New is on a scale unprecedented in history, and its effects cannot fail to be profound and far-reaching. What will they be?

Americans have hitherto paid very little attention to this question: first, because they have not considered the difference between hostile and peaceful invasions in history; and second, because they fail to observe that recent immigration is of an entirely different kind from that which our fathers knew. The earlier immigration having been of kindred races and having produced no profound changes, our

vol. i, chap. iv, "The Chaos." He points out that the successful cases of amalgamation have been those where there has been an immigration of kindred races only, and such immigration has continued for a comparatively brief period and then ceased. This was precisely the situation in the United States prior to 1880.

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people became used to the phenomenon and took it as a matter of course. At the present time, most of us consider that the movement now going on is similar to that which has been, and anticipate results no different from those previously observed.

If the million people coming every year came not as peaceful travelers, but as an invading hostile army, public opinion would be very different to what it is; and yet history shows that it has usually been the peaceful migrations and not the conquering armies which have undermined and changed the institutions of peoples. To take the classical error on this subject, we have been told repeatedly that, on the one hand, it was the conquering Goths and Vandals, and on the other hand, their own vice and luxury, which cost the Romans their empire. The real cause of the fall of Rome was neither of these things. It was the constant infiltration into Roman citizenship of large numbers of "barbarians"—that is, of races alien in instincts and habits of thought and action to the races which had built up the Roman Empire. For a time, indeed, the mold of political structure and social habit, though cracking, did not break; but the new-comers assimilated the Romans faster than they were themselves assimilated, and in time the mold broke in pieces. In precisely the same way some provinces of France are to-day becoming German, and others Italian, while the Germans are consciously making use of this method in their attempt to Prussianize Poland.

The "barbarians" of the present time, however, do not come from the plateaus of central Asia or from the jungles of Africa; they are the defective and delinquent classes of Europe—the individuals who have not been able to keep the pace at home and have fallen into the lower strata of its civilization.

Formerly, America was a hard place to get to, and a hard life awaited those who came, although the free and fertile land offered rich prizes to those with the energy to grasp them. To-day, the steamship agent is in every little town in Europe; fast steamers can bring thousands in a few days, and wages, often indeed not enough for an American to live decently on, but large in the eyes of the poor European peasants, await the immigrant on landing. There is, moreover, abundant testimony to the fact that much of the present immigration is not even a normal flow of population, but is

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artificially stimulated in every possible way by the transportation companies which have many millions invested in the traffic.

Now there are two hopeful attitudes with regard to the possible dangers from this "peaceful invasion." One of them is that we can continue, as we have in the past, to assimilate all this material and turn it into good American citizens. This was the general attitude until recently, and is still the attitude of the average man who does not fear the future. The other attitude is that, although perhaps we cannot do this, although the aliens may to some extent assimilate us, yet the seething of the melting-pot will remove the dross and turn out a product, possibly new, but at any rate as good, if not better, than the old.

It is important to consider the truth of these points of view, because the social and political institutions of any country depend upon the type of its citizenship and are molded by it. Ruskin long ago observed that the only real wealth is human character, and what boots an extended railroad mileage or the fact that all our coal and minerals are dug up or all our trees cut down some years or decades sooner, if at the end our democracy goes to pieces? We have heard much lately of the conservation of natural resources, but the conservation of ideals is surely much more important.

Those who believe that we can assimilate all the aliens who may come usually qualify their belief by saying that, although we may not succeed entirely with the parents, we can succeed with the children, and that the salvation of the situation is the public school. They also point out that many immigrants have had little opportunity for improvement in their own countries and may develop rapidly in a new environment. Now just as the Latin races make a fetish of the State, we Americans are apt to make a fetish of education, and we constantly fail to discriminate between education as the molding of character and education as the imparting of information. Far the larger part of a child's education comes from his home and his companions, rather than from his schooling. Emulation and imitation are the two mainsprings of his growth. We should never forget the somewhat hackneyed truth that education, in general, brings out what is in the man, be it good or bad, and seldom puts much there which was not there before. For this reason it is very questionable whether the small amount of schooling the children of

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most aliens receive plays a very large part in the total of influences brought to bear upon them; and it is still more debatable whether it appreciably alters their characters, or does anything more than bring out their inherited instincts and tendencies. Undoubtedly immigrant children crowd our schools because it aids them in the struggle for existence, and is usually paid for by some one else. Undoubtedly, also, many of them obtain high marks and show considerable capacity for storing up information.

Nevertheless, as has been said, schooling is but a small part of the influences to which the child is subject, and the tendency of recent immigrants to crowd into the cities and to settle in racial groups means that a very large part of the influences affecting the children will be those of their neighbors and co-workers of the same race. As in John Bunyan's parable, a small quantity of oil poured secretly and steadily upon a fire will cause it to withstand a large quantity of water poured upon it from all directions. Moreover, to a great extent this water of public-school education will fail to quench hereditary passions, because the latter are so strong that the former will be vaporized, so to speak, and pass off without closely touching them. Dr. Gustav LeBon, in his *Political Psychology,* has thus expressed this phase of the matter:

> "Education merely sums up the results of a civilization; the institutions and the beliefs representing the needs of such civilization. If, then, a civilization does not harmonize with the ideas and sentiments of a people, the education setting forth this civilization will remain without effect upon it; in the same way that institutions corresponding to certain needs will not correspond to different needs."

The result in such a case will be, not a true amalgamation of races, but a mixture of peoples as in Austria-Hungary, living side by side, sharing certain interests in common, but never wholly merging into a general national type.

This is, indeed, what many educators like Dr. Charles W. Eliot expect and rejoice in. Dr. Eliot does not share in the second view—that the melting-pot will fuse the various races into one. And he rejoices because, in his view, half-breeds of any races are inferior to their parents, just as alloys of metals are not as valuable as the metals themselves. And he is right. The evidence on this point is convincing. Dr. Alfred P. Schultz, in his *Race or Mongrel,* gives numerous examples drawn from history, one of the most conspicuous

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being that of the Jews, who, wherever they have kept their racial purity, have kept also their fine qualities of energy, push, and mental alertness, but have deteriorated rapidly when intermarried with other races. Humboldt and Darwin have declared the same truth. Agassiz, in a well-known passage, says:

> "Let any one who doubts the evil of the mixture of races and who is inclined from mistaken philanthropy to break down all barriers between them come to Brazil. He cannot deny the deterioration consequent upon the amalgamation of races, more wide-spread here than in any country in the world and which is rapidly effacing the best qualities of the white man, the Indian, and the negro, leaving a mongrel nondescript type deficient in physical and mental energy."

The same thing has happened in Cuba, in Mexico, and other countries to the south of us. But is there any danger of this occurring in the United States? It has not occurred in the past because the only race outside of the Teutonic immigrants present in large numbers has been the negro, and the Baltic races have an insurmountable prejudice against intermarriage with the black races. The Mediterranean and Asiatic races, on the other hand, have much less of this feeling. The negro strain in the South Italians has been already mentioned, and there are some examples of intermarriage between negroes and Jews. What would happen if a large Mediterranean population should be colonized in our Southern States and should interbreed with the negro population it finds there? This is not an imaginary possibility, for the dark-skinned races are more likely to settle in the southern part of this country; indeed, it must be so if Major Woodruff is correct in his view that the blond races cannot permanently live south of the fortieth parallel on account of the effects of the light on their nervous systems. Let us assume that some interbreeding with the negroes takes place. Will the descendants of the emotional, fiery Italians submit to the social judgment that a man with a sixteenth or a thirty-second part of negro blood is a colored man who must occupy a position socially, if not politically, inferior? Assuredly not, and thoughtful Southerners are already alarmed by this prospect and have announced through many of their industrial conventions that they do not desire the immigration of southeastern Europeans. The Western States feel the same way about Asiatics, both for racial and economic reasons.

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Even if the result of the immigration of southeastern Europeans to the South should not immediately be an interbreeding, the result may be to add other problems to the one we already have there. Mr. Booker T. Washington, who has recently been investigating conditions in Europe, expresses this view when he says:

"I greatly fear that if these people should come in large numbers and settle in colonies outside the cities, where they would have comparatively few educational advantages, and where they would be better able and more disposed to preserve their native customs and languages, we might have a racial problem in the South more difficult and more dangerous than that which is caused by the presence of the negro." *

But whether the result be an amalgamation or a mixture, it is evident that the nation will be profoundly altered by the addition of large numbers of persons with alien habits and ideals, and that the social and political structure will be changed accordingly. Dr. LeBon, in the work above quoted, says:

"A preponderating influence of foreigners is a sure solvent of the existence of States. It takes away from a people its most precious possession—its soul. When aliens became numerous in the Roman Empire it ceased to be."

And again:

"It was a very sure instinct which taught the ancients the fear of strangers: they well knew that worth of a country is not measured by the number of its inhabitants, but by the number of its citizens."

Can we not already see certain effects of the newer immigration upon our social life? In many places the Continental Sunday, with its games and sports, its theatrical and musical performances, and its open bars, is taking the place of the Puritan Sabbath. In some of our factory towns there are many operatives living under the system of free marriage, and in at least one place the method of building tenements has been altered to correspond to this system. Professor Commons notes that we have already begun to despotize our institutions in order to deal with large masses of citizens not capable of intelligently supporting representative government. We see, also, the phenomena of political parties and groups on racial lines, with their own newspapers in

* The first part of this quotation is almost the exact language used by George Washington in a letter to John Adams, November 27, 1794. Of course, he was speaking of the relatively homogeneous immigration of his day.

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foreign languages, seeking representation as racial units precisely as in Austria. These groups have already taken a conspicuous part in opposing immigration legislation, already existing or proposed, which makes it more difficult for their friends and relatives to come here; and, under our political system, these foreign-born groups already hold the balance of power in many places. This means that they often divide, not on public policy, but on some matter of racial advantage. In any case they do not and cannot combine to make parties like those of the older population.

All these changes may be good or bad, but they cannot fail to impress us; and, if these changes rise above the swirling mass of events and catch our eyes, we may be sure that more profound changes are in process beneath the surface.

We have to contend not only with alien habits and ideals, and with the fact that these differences cannot be effaced by education in one or even two generations, but also with the fact that we are getting a great many immigrants who are below the mental, moral, and physical average of both our country and their own. A recent writer in a leading German review has said: "The immigration of the last decade has increased the number of hands, but not the number of heads, in the United States." While this may be an extreme statement, there is the unanimous testimony of the Commissioner-General of Immigration, the Commissioner at the Port of New York, and the Immigration Commission, which has recently spent several years studying the matter, to the fact that for one immigrant whose defects are so marked as to put him in the classes excluded by law there are hundreds, if not thousands, who are below the average of our people, and who, as George William Curtis put it, are "watering the nation's life blood."

Recent investigations in eugenics show that heredity is a much more important factor than environment as regards social conditions—in fact, that in most cases heredity is what makes the environment. This is confirmed by the practice of the insurance companies which attach the chief importance to the hereditary characteristics of an individual. If this position is sound, education and distribution can only palliate the evils and delay fundamental changes. As Professor Karl Pearson says: "You cannot change the leopard's spots, and you cannot change bad stock to good; you may dilute it, possibly spread it over a large area, spoiling

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good stock, but until it ceases to multiply it will not cease to be."

Intelligent foreigners, like Bourget, H. G. Wells, and LeBon, are continually surprised that Americans pay so little regard to these matters. Already our neighbor to the north has become much more strict as to those she admits than we are; and, in fact, the Dominion is now rejecting at the border many whom we have admitted. And in our own practice we are not very logical, for we are much more stringent in regulations as to importing cattle, sheep, hogs, dogs, and horses than we are as to human beings. The English sparrow and the gypsy moth were not considered dangerous when first imported, but by their multiplication have done serious damage. The history of the Jukes family in New York State shows how much harm can be done by immigration of a single pair of defectives.

The foregoing is not intended to be a pessimistic wail. Our people are successful in part because they are optimistic, and in general they have little use for prophets of evil. Nor has the writer forgotten for a moment either what the country owes to past immigration, or that much of the present immigration is desirable and valuable. But our optimism should not be blind. Sumner once said of Garrison that he would go straight ahead even if the next step were over a precipice. If there is a precipice ahead we should avoid it while there is time, not merely for our own sake, but that the United States may continue strong to uphold the cause of democracy and liberty throughout the world.

PRESCOTT F. HALL.

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THE DIFFICULTIES OF THE YOUNG TURK PARTY

BY STANWOOD COBB

At present it looks as if Turkey were on the eve of being partitioned among the powers of Europe. The Constitution, instead of strengthening the Empire, has seemed to weaken it. In spite of the many reforms introduced by the Young Turks, subject peoples do not want to remain subject peoples if they can help it. Macedonia is crying for release, Albania is in constant revolt, Arabia is disloyal; and on top of all these difficulties Italy precipitates a war in the endeavor to grab a slice of territory.

The difficulties which the Young Turks have to face are many. In the first place, their political power is very precarious. Their only hold upon the government is through the army, which they control. Their rule is one of military despotism. The Committee of Union and Progress, with Chevket as its dominant power, control, not the votes of the country, but the arms, which at present are more effective. The Young Turk party as such is in great minority throughout the Empire. The proportion of Young Turk to Old Turk is hardly one in ten. The Old Turks are waiting like hungry wolves to have their turn of power, and the minute the Committee of Union and Progress loses its hold upon the army, presto!—the government is overturned. If Europe continues to take territory from the Turkish Empire the Young Turks will be obliged to fight in order to retain their popularity with the army. They lost enormously in prestige by the giving up of Bosnia and Herzegovina and the losing of their suzerainty over Rumelia.

Moreover, there is danger of rivalry and quarrels among the Young Turks themselves. At the moment, Chevket seems strong enough to hold the reins, but he makes his will ef-

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fective only by the mailed hand; and he has enemies and rivals. Should dissension weaken the Young Turks they are lost.

But even if the Young Turk party holds control of the government, it has enormous difficulties to face by reason of the heterogeneous composition of its Empire. One of the greatest causes of the Turkish conquests and rapid rise in power was in the political and geographical nature of the territory they made war against. Western Asia and eastern Europe were composed of small, weak nations, jealous of one another, which were unable to offer a united resistance to the foe. It remained for them to be united by force from without in the shape of Turkish domination.

While the Turks were possessed of wonderful gifts as conquerors, they are not successful rulers; and the many races they have ruled over they have never been able to assimilate. Unlike Russia, which, in a similar difficulty, has succeeded in forging out a coherent Empire, Turkey has not welded its parts together. Its Empire exists to-day, as it did three hundred years ago, by force of arms alone—in spite of constitutional proclamations.

To all appearances, the late Turkish revolution was an effort to establish a free Turkey with constitutional government. In reality it was merely a substitution of a strong military party for a single absolute ruler. It stands to reason that there can be no constitutional freedom in an Ottoman Empire which is only one-third Ottoman, and of which the remaining two-thirds desire nothing so much as complete separation and autonomy.

Therefore the Young Turks were obliged to have recourse to tricks in order to keep the upper hand. They pretended to give free ballot, but packed their Parliament with Young Turk deputies so as to win a majority when the entire Turkish population of the Ottoman Empire was only one-third of the whole population, and out of this one-third only a small proportion were Young Turks. So it is apparent that the Committee of Union and Progress played tricks with the ballot-boxes which would outdo Tammany itself.

Naturally, such a procedure completely alienated the other elements of the Empire—Greeks, Armenians, Arabs, and Albanians. Furthermore, even after the Parliament came into existence it discovered that it had no real power. Only

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those measures could pass which had the sanction of the Committee of Union and Progress which held its seat, not in Constantinople, but in Salonica (for reasons of safety); and from that military throne dictated to the capital city and to the Empire. The cabinet itself is slated by the Committee. The poor ministers have a hard time of it: They have to carry out the dictates of the Committee, on the one hand, and, on the other hand, defend their actions before Parliament and the people. They are puppets, and yet they have an appearance of power. In times of governmental stress they become the scapegoats, while the Committee stays in hiding. It has been difficult for a new Cabinet to form since the dissolution of the old one upon the breaking-out of the war with Italy. No one wants the place. It is a thankless task.

The high-handed measures of the Young Turk party have offended, not only the Christian population of Turkey, but the Turks themselves; even the progressives share in this dissatisfaction. Several Turkish editors who voiced too loudly their opinions in opposition to the actions of the Committee were murdered on their way home from the office. Were these murders mere coincidences or sinister hints that the press speak not too freely?

The platform and policy of the Young Turk party, led by the Committee of Union and Progress, is the Ottomanization of Turkey. Under Abdul Hamid, the provinces were lightly ruled as long as they paid their taxes and behaved themselves properly toward their Sultan. Otherwise they were left pretty much to themselves. It is the aim of the present government to carefully organize the Empire on a basis of centralization, and to enforce the same laws and grant the same privileges to all, whether Christian, Turk, or Arab. In pursuance of this aim Turkish was made the national language—without it there could be no promotion in government service; and it was urged upon the Greeks and the Albanians. The privileges which the Christians enjoyed under the old régime, such as exemption from military service, were removed. This angered the Christians. Taxes and a stronger rule were enforced in Arabia, and this produced a great revolt. The Arabs cannot bear the yoke too close upon their necks, and the suzerainty of Abdul Hamid over them had been merely nominal. The Albanians, enjoying great privileges and exemptions under the arch-

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tyrant, who depended upon their valor and loyalty for his power, have been compelled to toe the mark by the Young Turk government. They revolted, and have given stubborn resistance to the best generals of Turkey. In Macedonia the policy of *laissez faire* adopted by Abdul Hamid, with its consequent bloody anarchy, has given place to a more organized rule; but the Macedonians would rather be let alone to kill one another.

The Young Turks are perfectly justified in their endeavor to Ottomanize their Empire. It is what any Empire would seek to do; but it is a question whether they will be able. No rulers ever had a more diverse or more scattered population, unless we except the British rule of India. The Turks, who number only some 8,000,000 out of a population of 30,000,000, have 8,000,000 Greeks, 3,000,000 Armenians, and about 1,000,000 Bulgarians under their rule—a total Christian population outnumbering their own. These Christians are superior in civilization and in general ability to the Turks. How can they be expected to entertain any loyalty to the Ottoman Empire to which they owe only conquest and exploitation? How can they be expected to submit joyously to being ruled over by a people to whom they are in many ways superior, a people whose barbaric rule has held them back for centuries? Can we blame the Bulgarians in Macedonia for wishing to be free when we see what advance their free brothers in Bulgaria have made in civilization in a few decades out from the yoke of the Turk? Can we blame the 8,000,000 Greeks in the Empire, who look back upon such a glorious racial contribution to the world's culture, for disliking the rule of a people who have contributed nothing to civilization? No, the Young Turks will never be able to induce the Christian population of Turkey to become a voluntary and loyal part of their Empire.

Even with the other Moslems in the Empire little success seems to attend the efforts of the Young Turks. Arabia has no love for Turkish rule; it wants to be free. The Arabs are a proud and warlike race, and have been subjected only in the larger centers—certain parts of Arabia are almost unconquerable. The Syrians, a weaker race, still have their dreams of liberty. The Kurds are ripe for revolt, and the Albanians have already indicated their preference for freedom.

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Never had rulers a harder task to face. The liberal wing of the Young Turk party offers as a suggestion decentralization and local self-government. Even this is unpractical owing to the peculiar complexity of the Ottoman population. If each race composing the Empire had its clear demarcations of territory, as Albania and Arabia have, for instance, decentralization would be feasible; but in Asia Minor, the very heart of the Empire, the races are all intermingled. Turkish towns, Armenian towns, Greek towns lie side by side. The 8,000,000 Turks, 7,000,000 Greeks, and 3,000,000 Armenians of Asia Minor do not inhabit separate sections of that country, but overflow among one another. It is a worse problem than the Gordian knot, and only an Alexander could solve it.

Added to these internal difficulties which confront the Empire is the menace of European aggression. The seizure of Tripoli reveals the fact that it had been planned for some time and that the Triple Alliance was a party to it. No one knows what other schemes the Triple Alliance has, nor where its lightning will strike next. Doubtless it has all European Turkey divided upon paper and is waiting for the proper occasion to act. To be a Young Turk to-day is worse than having the sword of Damocles hanging over one.

Remember, too, that Turkey is surrounded on every hand with smaller enemies. Greece, though inefficient, is at least a fly in the Macedonian ointment. Bulgaria, young, capable, aggressive, with an army of 300,000 men, one of the best-drilled in Europe, has its plans all laid for a raid into Macedonia or a swift descent upon Constantinople, the key to which by land they hold in the possession of the Balkan passes. Rumania, with a similar army, might lend aid. And in the north, silent and sinister, awaits the great bear, Russia, for its opportunity to seize the Bosporus. In every chancelry of Europe all eyes are fastened on Turkey. Turkey is about to be carved. Who will get the best slice? That is the question which most interests Europe to-day.

STANWOOD COBB.

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INSURING A NATION

BY P. J. LENNOX.

A POLITICAL economist of the *laissez faire* school of fifty years ago would surely rub his eyes in amazement at some of the items of legislation dealing with the working classes and with poor persons generally which have been adopted by the British Parliament in the last few years. Such measures as the Unemployed Workmen Act, 1905, the Workmen's Compensation Act, 1906, the Old Age Pensions Act, 1908, and the Labor Exchanges Act, 1909—to name but a few—would show him that, in Great Britain, at all events, his cherished doctrines had ceased to cast a glamour over the minds of men. But his contemplation of all those enactments, not only placed on the statute-book but working at full blast in the daily life of the community, could furnish him with merely a mild surprise when contrasted with the consternation with which he would regard the latest proposal submitted to the House of Commons on behalf of that school of politicians which has a thoroughgoing belief in the possibility of bettering by Act of Parliament the condition of the lowly and the poor.

This latest proposal is the National Insurance Bill, which, preluded by an explanatory speech from its sponsor, Mr. Lloyd-George, the present British Chancellor of the Exchequer, received its first reading in the House of Commons on Thursday, May 4, 1911, and its second reading on the 29th of May. A rough idea of its scope may be gleaned from its title, which is " A Bill to Provide for Insurance against Loss of Health and for the Prevention and Cure of Sickness and for Insurance against Unemployment and for Purposes Incidental thereto "; but when we bear in mind that the bill contains eighty-seven clauses and nine schedules, and, furthermore, that many of the clauses and schedules consist of long sections and sub-sections, it will be rightly concluded

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that it is a most comprehensive scheme, and is necessarily very intricate and complicated in its details. Perhaps the most extraordinary thing about it is the chorus of approval, the unanimity of acclaim, with which it was received upon introduction. Although the bill marks a real revolution in the attitude of the State toward the industrial classes, toward shop assistants, clerks, *et hoc genus omne,* and toward those waifs and strays of the labor market, those hewers of wood and drawers of water, who are included under the general designation of "casual laborers," it received a benediction not only from the official Liberals, who ordinarily sit, act, and vote with Mr. Lloyd-George, but also from the Labor Party, from the Irish Nationalists, from the Chairman of the Anti-Socialist League, and, most wonderful of all, from the leaders of the great Conservative opposition. The British and Irish press, too, was hearty in its welcome of the principles of the bill. The obvious inference is that all parties in the United Kingdom are agreed that the State has not hitherto fully done its duty toward certain of its citizens, and that the present measure, though therefore belated, is a courageous attempt to atone, at least in part, for the negligence of the past.

Those enthusiastic encomiums were, however, delivered in the first flush of the excitement caused by so startlingly novel a proposal. In cooler moments criticism came. The sponsor of the bill had invited the most searching examination of all its details, promising to allow, between its introduction and its more advanced stages, a sufficient interval for discussion, and at the same time to give every company, corporation, association, or individual who might feel aggrieved by its provisions the opportunity of presenting a case against this, that, or the other seemingly unfair incidence.

He was taken at his word with a vengeance. In quick order defects were discovered by the score, and, while the underlying principle was still almost universally lauded, details were pounced upon for denunciation and even for derision, until, if everything that was objected to were struck out, there would have been little but a skeleton of a bill left. Foremost among the objectors were the medical doctors, whose position in relation to the existing Poor Law and to Friendly Societies is at present fairly well defined, and who saw in Mr. Lloyd-George's bill a threat alike to their stand-

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ing and their pockets. They were quickly followed by the Friendly Societies themselves, many of whose contributors felt that they were about to be subjected to intolerable grievances. Even certain members of the Labor Party, who are in general loyal supporters of the Liberal ministry, found much to condemn from their own particular point of view. Chambers of Commerce and such bodies were roused to hostility. Finally, many of the County Councils and other popularly elected bodies in Ireland, as well as the Irish Catholic bishops in special meeting assembled, declared that the bill was inapplicable to Irish conditions, and therefore asked that it should not be extended to that country. The result of all this outcry was that for some three months Mr. Lloyd-George was kept busy receiving deputations and representations, in holding meetings and conferences, in answering and removing or explaining away objections. By yielding here and there, by making concessions to various organized bodies, and by promising to have important amendments introduced, he was at length in a position to claim to have removed the main causes of opposition. It was given out that the medical men and the Friendly Societies had cried content; a few members of the Labor Party in Parliament remained bitterly opposed to the bill and said so in lurid and picturesque language, but the bulk of their colleagues agreed to toe the line; and Mr. John Redmond, speaking at Baltinglass as recently as October 22d, was able to declare that whatever amendments the Irish Party wanted they could get, and as a consequence he and his supporters, to the number of 74, are expected to vote solidly with their Liberal allies in order to carry the measure.

The upshot of all the agitation was that before Parliament reassembled on October 24th, Mr. Lloyd-George pledged himself and the ministry to which he belongs to stand or fall by the bill, and since that event it is being rapidly pushed through committee by the operation of the guillotine. A strange fact is that no one expects the House of Lords to reject or even to delay the measure, so that, if there is any certainty in parliamentary affairs, this bill seems certain to pass into law. It will still be in essence the same bill as originally introduced, but it will be vastly modified in some of its more important and in many of its minor details.

Taking the subject in its proper aspect of social reform,

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we may at once agree with the enthusiastic admirer who, on the evening on which the bill was brought forward, described it as the greatest experiment in legislation ever introduced in any legislative assembly in the world. It goes far beyond the scheme of industrial insurance in force in Germany, and so is unique of its kind, unparalleled in history. And lest any one should hastily conclude that it is a measure of the *panem et circenses* order, let it here and now be said that WORK is the basis on which it rests. For the first time in the course of British legislation is the dignity of labor really asserted. Those men and women who toil are henceforward to have as a right certain material benefits and advantages which heretofore they could not have had at all, or, at best, could have had only through the degrading operation of the Poor Law. With heads erect and unaverted eyes the beneficiaries under this bill can claim what is coming to them, not only because they are to be themselves direct contributors to the formation and upkeep of a relief fund, but also because their true importance in the economy of the State is now admitted beyond question or doubt.

The bill, in the words of the Explanatory Memorandum which accompanied it, is intended to effect as wide an insurance as possible of the working population. It contains two separate and distinct schemes. The first not only provides insurance against total loss of income through sickness, but also seeks both to prevent sickness and to cure it when it cannot be prevented. The second provides insurance against total loss of income through unemployment.

The portion of the bill which deals with insurance against total loss of income through sickness is also divided into two parts: one making such insurance compulsory, the other providing a voluntary method. Under the first part provision is made, except in certain specified cases, for a compulsory weekly deduction from the earnings of every employee between the ages of fifteen and sixty-five whose income falls below the Income Tax limit of £160 ($800) per annum, and in every such case there will also be a compulsory contribution from the employer, with a further contribution from the State. The amount to be deducted every week from the wages or salary of every non-excepted employee who earns more than £39 ($195) a year is 4*d.* (8 c.) for men, and 3*d.* (6 c.) for women; the weekly amount to be contributed by the employer for each man and woman

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employee is 3*d.*; and the weekly amount to be contributed by the State for each is 2*d.* (4 c.) a week. In cases where the earnings of the employee are less than £39 a year, the amount to be deducted from the wages or salary will be correspondingly less, ranging from 3*d.* down to 1*d.* (2 c.) per week, while the contribution from the employer will be correspondingly greater, in order to keep the total amount at 9*d* (18 c.) a week for men and 8*d.* (16 c.) a week for women, for the contribution of the State still remains at the constant figure of 2*d.**

Under the voluntary portion of the scheme, which is meant to apply to those who earn their own living but who work mainly on their own account and are not regularly employed by others, the persons entitled to insure will, if under forty-five years of age, contribute to the fund the full amount which, if they were employees, would be paid by the employee and the employer combined, and the State will contribute as in the former case. If over forty-five, voluntary contributors will pay at a rate proportionate to their age, such rate to be set forth in a table which the Insurance Commissioners will prepare. The voluntary scheme appears to be open to every one irrespective of the amount of income.

In return for these contributions, which may be looked upon as insurance premiums, the benefits secured to the beneficiaries, after contributions extending over a period of not less than six months, are 10*s.* ($2.40) a week for men, and 7*s.* 6*d.* ($1.80) a week for women for the first thirteen weeks of sickness; 5*s.* ($1.20) a week for men and women alike for the second thirteen weeks; and 5*s.* a week for men or women who are permanently or temporarily disabled from work during the whole period of such disablement, with the proviso that disablement allowance will not be made unless and until the beneficiary has been a contributor for at least two years. There are slightly different rates for young unmarried persons under 21 years of age, and for persons who are over 50 and over 60 respectively. Persons over 65 are excluded from the scope of the bill. The payments specified will be made in full without deduction on account of contribution, nor will the non-payment of contribution during sickness or disablement count against the beneficiary. In addition to the money payments, there is

* Unless in cases in which the weekly wage falls below 9*s.* ($2.16). In that case the employee's proportion will be borne by the State.

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provided, free, for the persons insured, a system of medical treatment and attendance in their own homes or, in cases of certain diseases, in special institutions. Medicines and drugs are also free. There are special liberal grants in maternity cases. Finally there are prospective free medical treatment, attendance, and medicines for those dependent on insurers.

It is intended to set aside a sum of £1,500,000 ($7,500,000) to aid local charities and local authorities to build and equip sanatoria for dealing with what the Chancellor called the terrible scourge of consumption, and £1,000,000 ($5,000,000) a year for their staffing and upkeep. The need for this provision is found in the fact that in the United Kingdom there are between 400,000 and 500,000 persons affected with tuberculosis, and 75,000 deaths a year from that cause. Among males between the ages of 14 and 55 one out of every three dies of tuberculosis, and, to make matters worse, as soon as a man is attacked by it he becomes a recruit in the army of destruction and scatters infection and death in his own household. To stamp out this white plague, all the resources of science will be brought into play backed for the first time by a nation-wide measure of financial support.

It is calculated that there will be 13,100,000 compulsory working-class contributors, 800,000 voluntary contributors, and 800,000 young persons under 16 affected by the bill, making a grand total of 14,700,000 to be included in the scheme of insurance against sickness and invalidity. In the first year, 1912–13, the income from the contributions of employees and employers together will, according to estimate, amount to about £20,000,000, of which £11,000,000 will come from the workers and £9,000,000 from the employers, while the expenditure on benefits and administration will in the same year, in consequence of the waiting periods prescribed by the bill, be only £7,000,000, rising to £20,000,000 in 1915–16, the first full year. One feature of the bill is that the rate of contribution is uniform for compulsorily insured employees of all ages within the limits named, and on this account a heavy loss is at first anticipated, because sickness doubles, trebles, and even quadruples as people advance in life; but by a special provision in the bill it is intended to wipe out that loss in 15½ years. At the end of that period there will be a considerable sum, probably £9,000,000, released for the purpose of increasing the benefits. One shape

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that such increased benefits may take is the lowering of the age for the receipt of old-age pensions from the present limit of 70 to 65.

Regarding the contribution to be made by the State, it is figured at £1,742,000 for 1912–13, rising to £3,359,000 in 1913–14, to £4,563,000 in 1915–16, and to £6,000,000 at the end of the 15½ years' period.

The machinery for the administration of this gigantic scheme of national insurance is on the whole of a fairly simple character. The funds accruing from the various classes of contributors will be collected by means of stamps. In the compulsory case a card will be given to each employee, who will take it to his or her employer, and at the end of each week the employer will affix to it stamps equivalent in value to the employee's 4*d*., or other amount according to the nature of the case, and his own 3*d*., or whatever the correct amount may be. The employer will of course reimburse himself for the employee's contribution by a deduction from the wages or salary. The card stamped as indicated will be handed to the employee, who will in turn take it to the local post-office. The postmaster will on his part transmit the card thus stamped to the Central Office. There the amount so forwarded in stamps will be placed to the credit of the beneficiary. In the case of contributors, voluntary or compulsory, who are not members of a recognized Friendly Society, the insurer pays what we may call his premium directly to the post-office and gets credit for it in a special book, which of course he retains. All amounts so paid are, as in the former case, transmitted to the Central Office by the postal official.

The distribution of the fund will be accomplished in a corresponding twofold manner. To the great Friendly Societies which are already established or may hereafter be founded in accordance with the provisions of the bill will be assigned the distribution of the benefit funds to their members. All insurers will be encouraged to join such societies. For contributors, whether voluntary or compulsory, who are not members of such a society the Government will set up a post-office system of distribution somewhat similar to the system at present used for the payment of pensions under the Old Age Pensions Act of 1909. Every precaution will be taken to have the distributing societies perform this portion of their work in a proper manner.

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Among the safeguards provided are large membership (10,000 for Great Britain, 5,000 for Ireland),* non-division of funds except for benefits, keeping of books and accounts, Government audit and valuation, the giving of adequate security against malversation or misappropriation of funds, and provision of arbitrators in case of dispute. Special precautions are taken against malingering. To aid distribution both through the Friendly Societies and the post-office, Local Health Committees will be established, and these Committees will have charge of making the medical arrangements for all beneficiaries, and of carrying on educational and propaganda work looking toward the general health of the community.

That part of the bill which deals with insurance against unemployment is limited for the present, as far as its compulsory force is concerned, to those trades in which the most serious fluctuations occur—namely, the engineering trade and the building trade; but in order to encourage voluntary insurance against unemployment the Board of Trade is empowered to pay to any association giving unemployment benefits a subsidy of one-sixth of the amount, up to 12*s*. a week per individual, expended on such benefit, and this regulation applies to all trades and all classes of employees.

The reasoning by which the Chancellor of the Exchequer justified the principle of compulsory unemployment insurance is that, whoever is to blame for the great cyclical, seasonal, or other fluctuations of trade, the workman is the least to blame, for he does not guide or gear the machine of commerce and industry, the direction and the speed being left almost entirely to others. The Chancellor limits the operation of his plan for the time being to the two selected trades, because he recognizes that, for want of actuarial data, his proposal is more in the nature of an experiment than is his plan for sickness insurance. No real effort has been made in this matter of unemployment insurance heretofore in the United Kingdom except by the trade-unions, and in their case it applies to only 1,400,000 workers, who form but a fraction of the industrial population. Other workers cannot, unaided, afford such insurance; and even in the case of the trade-unions the burden sometimes falls so heavily upon them that it is almost impossible for them

*In deference to many representations, these figures will in each case probably be reduced.

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to bear it. This is one of the justifications put forward for the above-mentioned subsidy to assist voluntary insurance.

The basis on which the compulsory scheme of this part of the bill rests is, as stated, a trade basis. The Chancellor was deterred from using a municipal basis or a national basis by a consideration of the many failures along those lines which had occurred on the Continent. By compulsion, therefore, within the trades selected, a fund is to be raised for the purpose of relieving distress due to unemployment. The levy on the workman will be 2½*d.* (5 c.) a week, on the employer 2½*d.* a week also, and 1¼*d.* (2½ c.) will be the weekly contribution from the State. If an employer chooses to compound and pay his own contribution and the contribution of each of his workmen by the quarter, he will in that case effect a considerable saving per annum, the saving representing 6*s.* 8*d* ($1.60) per man, or the difference between 10*s.* 10*d.* ($2.60) and 4*s.* 2*d.* ($1), and being effected by the employer's appropriating the 2½*d.* weekly from each of his workmen. In big concerns, where several hundred men are employed, this is an important feature. It is, of course, an inducement to the employer to keep all his men working all the time.

The plan, as at present outlined, will apply to 2,421,000 workmen, 1,100,000 from the building trade and 1,321,000 from the engineering trade. Their contributions as estimated will come to £1,100,000 per annum, and those of the employers to £900,000, while the State for contributions and administration will be liable to about £750,000 per annum.

The benefits to an unemployed workman during his period of unemployment of not more than fifteen weeks will be a weekly payment varying from 6*s.* to 7*s.* No payment will be made to a workman who is dismissed for misconduct or who is out of employment through a strike or a lockout. Relief will be given only for unemployment due to fluctuations of trade.

The machinery for the distribution of these benefits will be the existing Labor Exchanges and the existing trade-unions. The trade-union will pay to its members the unemployed benefit, but the Labor Exchange will have first to report on the case. The workman who is unemployed will have to notify the fact to a Labor Exchange, whose officials will investigate the genuineness of his claim, and prevent

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him from getting unemployed pay if he is not entitled to it, and further will try to secure him employment as soon as may be. If he refuses a job offered to him, an impartial court of reference will decide whether he is justified in doing so or not, and, if he is found not to be so justified, he will be ineligible for unemployment pay. There is no pay for the first week's unemployment, nor for more than fifteen weeks in the year, and no man can draw more than one week's pay for five weeks' contribution, so that the loafer will soon drop out.

The points touched upon are the salient features of the scheme; there are many other provisions, but they are mainly either by way of elucidation, or detail, or exception, or direction for administration.

It will be at once seen that the traditional British respect for the liberty of the subject to do what he likes with his own property is here openly and avowedly violated. There is in a sense a return to paternalism, or at least to benevolent despotism: as you punish a child for its ultimate good, so you tax certain people for their own contingent benefit. The political school whose motto the late Lord Bramwell formulated in the phrase "Please govern me as little as possible" will be alarmed at the compulsion exercised alike upon employers and employees. Mr. Lloyd-George's defense is that what he does he does in the public interest. It is a good thing, he argues, for the worker to be insured against sickness or unemployment: therefore let him pay. It is a good thing for the employer to have to deal with a hardy and healthy race of efficient workers instead of with inefficient weaklings: therefore let him pay, too. It is a good thing for everybody to have a healthy and contented population: therefore let everybody pay, directly or indirectly, for so great a boon. In essence, the Chancellor doubtless further argues, it is just as defensible to put on taxes to secure a well-doctored, properly medicined nation, and by prevention or cure of sickness to reduce the bills of mortality and cut down the ills which flesh is heir to, as to raise by taxation a fund to build and equip Dreadnoughts for the protection of British trade. His proposals are at the same time a tribute and an important addition to the new humanist view of the obligations of government.

It will be noticed how important are the functions to be exercised under this bill by the post-office, the Friendly

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Societies, the trade-unions, the Labor Exchanges, and the Health Committees. The post-office has gradually grown to be the great general utility department in British executive government. It is the one department that is worked at a profit. Its activities extend not only to the mails, but also to the telegraphs, telephones, savings-banks, life-insurance, annuities, and stock-broking transactions; its aid has also been invoked and obtained for the Labor Exchanges; and now its elasticity is to be demonstrated by its method of handling the new responsibilities with which it is to be intrusted. For the first time the Friendly Societies and the trade-unions are to be called in as allies of the Government. How they will respectively acquit themselves in their new rôles remains to be seen. Many dread the results for the smaller Friendly Societies. With regard to the trade-unions it is remarkable that, while some labor leaders fear that their efficiency as protectors of their members will be impaired, some capitalists dread that the public funds they are to administer may, in some bafflingly elusive manner, be made to supply contributions to the war-chest in the battle between capital and labor. Neither contingency, it should be added, is apprehended by Mr. Lloyd-George. It was expected that the Labor Exchanges would play an important part under the new dispensation, for at the time of their establishment they were specifically stated to be only part of a wider scheme. Finally, the Health Committees are but a further development of that system of local government or devolution which has found such favor in recent years in the eyes of British legislators.

Big problems that will present themselves for solution in the course of the working of the bill, despite all precautions taken in advance, are the questions of how medical doctors are to be employed and paid, and how the casual laborer, who theoretically is so well looked after, will fare in practice. The costs of administration, too, will be serious: a whole army of new officials will be necessary to carry out the provisions of the bill. But Mr. Lloyd-George makes light of all difficulties. He is just as cheerily optimistic for the future of his new and ponderous legislative scheme as he was a couple of years ago about his famous Budget Bill, which, after all the outcry against it, is now working so smoothly and harmoniously. He is so sanguine of passing his National Insurance Bill during the present session of

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Parliament that he has fixed the 1st of May, 1912, for the beginning of its operations. He has also succeeded in inspiring his colleagues with his own enthusiasm. They believe that by passing this bill England will have set a burning and shining light of example to the rest of Christendom. Speaking on May 25th during the second reading debate the English Attorney-General, Sir Rufus Isaacs, said that the bill was the greatest effort of constructive statesmanship ever made to remedy the evils and alleviate the misery caused either by sickness or unemployment; that such a measure would strike the imagination of the world; and that its acceptance by Parliament would be an example which other nations must follow. On the same occasion the then Home Secretary, Mr. Winston Churchill, said that they were bringing two new forces—the magic of averages and the genius of health—to the aid of the millions.

It is obvious that great expectations are based on this British National Insurance Bill.

P. J. Lennox.

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EXPERIENCES OF A TRUE BACONIAN IN SHAKESPEARE'S TOWN

BY W. D. HOWELLS

As a firm, and even violent, supporter of the Baconian theory of the Shakespeare authorship I approached Stratford-on-Avon with buoyant expectations of pleasure from my doctrine there mixed with fond regrets for the excellent hotel we had left in Leamington. I had dismissed the lingering fear of being obliged to change cars which had beset me to the very suburbs of the town, and I could freely abandon myself to the emotions proper to the place. I thought of the young Francis Bacon emerging from a clump of trees which we passed, and crossing a meadow with our train, rapt from memories of his overnight's deer-stalking at the expense of Sir Thomas Lucy, in a reverie of Hamlet, of Romeo, of Othello, of Julius Cæsar, of Prince Hal and Falstaff, of Ophelia and Rosalind, of Desdemona and Beatrice, as well as of The Passionate Pilgrim and the Sonnets, and exulting in the notion of fooling future ages in his masquerade of William Shakespeare, the clownish villager of Stratford and dull supernumerary of the Globe Theater. My Bacon's mind was busy not only with the creatures of his divine imagination, but with the ingenious contrivance of a cryptic acrostic in which his name should remain concealed throughout those immortal plays until, ages afterward, a crazy countrywoman of my own should detect in them the same light touch we know in the Essays and the *Novum Organum,* and her followers should, in a fine frenzy, drag his identity from its hundred hiding-places. I fancied the Sweet Frank holding horses before the theater in Southwark, or rollicking at the Mermaid Tavern with Ben Jonson, and bantering his fellow-poet to point out a single one of those thousand lines which the magnanimous pedant said the

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plays would be the better for his blotting. I saw him come joyously masking down the years to the time of Milton, amusing himself by inspiring the patronizing apostrophe to

> "Sweetest Bacon, Fancy's child,
> Warbling his native wood-notes wild."

Then, later, as I stood beside that world-renowned tablet in the floor of the Stratford church, thought of the noble amend which the great Puritan poet had made in the lines beginning,

> "What needs my Bacon for his honored bones?"

But this was after I had been some days in Stratford, where I remained through all our difficulties in housing ourselves, strong in the Bacon religion which necessarily involved the denial of the Shakespeare superstition.

It was our luck always to be coming to places at the height of their seasons unawares, when every hotel was full-up. But in this case we knew beforehand that there was to be a revival of the old English dances in the Bacon theater, which would probably crowd Stratford to bursting with strangers, and we secured our lodgings a fortnight in advance. We easily found them, and the smiling maid who met us said, "They were to be in the cottage, *weren't they?*" in that charming English way which obliges you to fall in with any presumption, and makes you *particeps criminis* against yourself. The "cottage" stood back of a little court, and the rooms, when seen, proved to be two small coops in the roof adapted to the tastes of poultry that did not care much for fresh air. We said they would not do, and returned to our fly, and went about flinging ourselves on the mercies of a town visitored far beyond its capacity. Our driver remembered at last an ideal place, "More like a villa, sir, than a lodging," but this ideal was shut when we reached it, and we drove down the next street, interrogating the transoms of all the houses with beseeching eyes for the word "Apartments," but in vain, till we saw the word above a door where the maid denied us, as usual, but had hardly the forbidding on her breath when the mistress came rushing out of the gate after us to say, Yes, there were rooms at No. 8, and we could have our meals at her own table. All New England, though she was really so Old English, looked from her friendly eyes and hospitable face, and in five minutes we were comfortably domiciled. We

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got a capital table d'hôte dinner, such as you get almost anywhere in English inns, at the hotel which had just refused us with thanks as lodgers, and next morning we breakfasted at our kind hostess's in the company of other South-Africans and North-Americans; with Australians, we seem the same thing to the English. There was a delicious Spanish melon to make us as much at home as if it were a Rocky Ford cantaloupe; one cut and came again as often as one liked. Life is not always disappointing, but sometimes behaves very handsomely.

After breakfast a day of perfect joy began; and though we grieved for a moment to learn that the morris dances, and the jigs and reels which used to be danced when England was merrier, if nakeder and hungrier, than now, were not to be danced on the green outside the Bacon theater, we learned from every moment's experience to be glad that they took place within on the stage. It was such a time as Bacon himself—or from this out, shall we indulge him in the travesty which he preferred and say Shakespeare?—would have delighted to share with us, and we easily figured him in the audience which crowded the place, where not the least pleasure, but one of the greatest pleasures, of the day was finding ourselves in a group of people such as next to Shakespeare (I will no longer say Bacon) I could most have wished to meet in that place.

A distinguished English actor who, in his undistinguished youth, had dramatized a story of the undistinguished youth of an American author, was brought face to face there by antic chance with the novelist who emerged from his confirmed obscurity to ask the actor's acquaintance; and the actor added over and above his own acquaintance that of all the friends about him: friends who could help the author's ignorance of the things going forward on the stage, and make his joy in them intelligent, though it would have been hard for the most wayfaring of men wholly to err therein. One could not well be mistaken in the pretty little girls and the pretty young girls, and the boys and youths who had come from the farms and shops (and notably from a great blueing factory near by) to take their parts in the competitions of song and dance.

All the figures were more or less dramatic, and not pantomimic only, but sung as well as stepped to the mellow music of small sleigh-bells strapped at knee and ankle, and to the

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color of flirted handkerchiefs and of ribbons flashing from wrist and elbow. Perhaps the unlearned reader does not know (we did not know till we saw it there) that it is the genius of the morris dance for the dancers to come elastically on for the figure and to drop exhaustedly off at the end in languid procession. Morris On and Morris Off may have been English tradition added to the Moorish dance which some immemorial traveler brought home from Spain; but whatever the origin of the several dramas or of their rendering, their charm was in the bloom and bounding vigor and glad heart of the Merry England which they revived for us. Out of all the sung and acted incidents, I think I should have given the prizes to that one called "Blow away the Morning Dew," and that other one called, "No John, no John." In the one the dancers swayed and swept the shining drops from imaginary meadows; and in the other a Spanish lady denied an English sailor till her denying No unawares turned entreaty against his threat to leave her. I suppose the things were both of the nature of such things as are still played at children's parties, but in the elder youthful rendering they had the poetry which keeps the world young. There was another of these plays prettily called "Blue-eyed Stranger," which, together with "Bunches of Laudanum" (probably not originally laudanum) and "Cottage Gardens," pleased the fancy almost as much as those supreme two; and there was yet a very English other, "How do you do, Zir," which mixed defiance with welcome in the hands shaken across the circle, and was acceptably done by half-grown boys in smock frocks and slouching farm-work hats.

Everything went on under the severe criticism of a committee appointed to see that the dances were danced in the letter as well as the spirit. It seemed very English, or at least not American, to have the young gentleman who spoke for the committee call his censures across the whole depth of the theaters and tell the boys and girls, great and small, that they had not kept their legs stiff enough in a certain figure where they faced and crossed ankles. "You must keep your legs stiffer," he said, and the dancers took his rebuke with silent submission; but he found it harder to exact obedience from an enthusiastic fiddler who had entered so deeply into the affair that he could not get himself unaided out of it. He was always leading the dancers on to

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pretty much the same tune, till at last the chairman publicly proclaimed, "Now, Ilmington, you have been on half a dozen times" (it might have been a dozen), "and we can't have you any more," and with this at last Ilmington acquiesced and evanesced, not apparently very willingly or promptly, but effectively.

I am aware of giving, barely enough, the brief outline of a pleasure which richly clothed itself in music, color, and motion for a whole summer's day, and still left us hungering for more of it. Most interesting it was, and the more delightful because it reproduced the gaiety of the past without its sad conditions; we saw the bloom and inhaled the perfume without feeling the thorns of the bramble which bore the pretty flowers. What made it the more acceptable was the reflection that the England making merry on the stage was glad at the cost of less suffering to the poor than ever before. Thanks to that greatest living Englishman, who is Welsh, there are now pensions for the old and sick and those without work, keeping them above want without putting them to shame. Lloyd-George has taken the sting from charity by making it justice, and forcing the rich to pay something more of their due portion of the common cost, as perhaps we Americans shall some day do when we sink our fear of Socialism in our realization of Christianity; so that now an Englishman and his American visitor may hereafter look on the joys of the poor without too sharp a pity. Even that day we could blamelessly feel the appealing quaintness of an old woman from some charitable refuge who had come out of it in her pathetic best bonnet and shawl and gown of the fashions of seventy years ago, and now sang a faded song, cheap in material and uncouth in make as her dress, but touching because it was so sincerely meant. I am glad to say that no event of the day seemed to please the audience half as much; so near to tears her doleful ditty left us, we could go back to our players and dancers with a good conscience.

I do not know how long it all lasted, but say from eleven to four, with an hour out for lunch; at the end, as I have said, it left us loath to go. We had been in Stratford before, and we had not the task of seeing the Bacon house and keeping the Shakespeare family out of it; we had even seen the Ann Hathaway cottage, where the young Francis Bacon came wooing her and making her believe by the new inductive

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method of reasoning that her two years more than his did not count in love. So now we could give our leisure to wandering about the streets, curiously modern for the most part, but with here and there an effect of age in quaint keeping with such a name as Sheep Street, where we bought a sixteenth-century table and were later subjected to duty on it by our customs as if it had been just made in some English Grand Rapids factory. A noted English novelist lives in Stratford, and her house front, garlanded with flowering plants, was the just pride of the driver of our fly. He seemed to care more for it than for the Shakespeare house; and, in fact, there has never been any dispute as to the Baconian authorship of her novels. We visited the so-called Shakespeare house only so far as to pace its garden walk and gather from the brown sand under the parent tree a mulberry perfect yet from the ants, which know a ripe mulberry as soon as they see it on the ground. The taste of it enchanted me three thousand miles and sixty-five years away to a little Ohio town with the murmur of the Miami soft in my ear; and I could be well content to leave the house, with its chimney-corners and kitchens and gardens and birth-chambers and every manner of typical rather than actual relics, to the crowd avid of documents and evidences, or, failing these, of mere wonders and associations.

The truth, which I reluctantly confide to the reader, is that to the faith of even the firmest, the most violent Baconian there is something very staggering in that wavering and sagging Shakespeare house; and it is much better to keep to the garden walk under the mulberry-tree, which is at least neutral. We of the true faith ought really to build a Bacon house and a Bacon theater, with a Bacon picture-gallery, in Stratford, if we expect to establish our doctrine in universal acceptance. As for that divinely dear and lovely church where the poet's body lies, it would of course be difficult to rear such another fane of the fit antiquity; but something might have been done in 1800, when the slab over the bones was renewed, if only anybody had then had the Baconian truth which was not revealed to the luminous madness of Miss Bacon till fifty years later. As it is, the place is full of Shakespeare to the exclusion of the many other interesting monuments and effigies. The famous epitaph still curses or blesses you according to your will, and the face of the bust, scraped clean of the white paint which once

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coated it to an effect of eighteenth-century good taste, smiles down upon you in the Elizabethan sincerity of red cheeks, hazel eyes, and reddish hair and beard.

How still and fine the cool English morning was under the "long-drawn aisle and fretted vault" of the trees through which we went and came in revering this hallowed temple! But we had once for all revered it on our first visit to Stratford, and now, on our second, we left it to the devoirs of others. Rather we kept our last afternoon for a row on the Avon, and hired a boatman to do the rowing for us. The Avon, as we knew it that day, was a leaf-fringed, silent slack-water (very unlike the joyous torrent we had known it at Bath), inviting us first down to the dam, which, with the mill beside it, holds the waters in check. I cannot say just why it should have so invited us except to show us on our return a shirt-sleeved, bareheaded youth in a canoe which suddenly and most unexpectedly (to us if not to him) turned turtle and flung him into the stream. It then flew inverted away, and as he struck out after it, blowing the water from him as he swam, he called out to our boatman in gay, trans-atlantic accents, "Is bathing in this river prohibited?" The boatman took him literally and reassured him, while we offered to "cumber him with help." "No, thank you," he said, "unless you can tell me where my coat and cap are." "Probably under the canoe," we suggested, and, "Probably they are," he assented, and he swam to the canoe and righted it and found them. It is not often that one can make a useful suggestion to a countryman in a strange water, and we rowed away with the satisfaction of a public benefactor, leaving the youth joking and wringing the Avon from his coat on the shore.

I suppose there are lovelier rivers in the world than the Avon at Stratford; the Babylonians used to brag of their Abana and Pharpar; and we have our Hudson and Mississippi, which are certainly larger. But the Avon not only has Stratford on it, with its immortal memories; it wanders through levels of wood and meadow which almost meet over it, or come to drink of it with their grasses; and from time to time it has a dwelling on its shores which tempts you to the nearest "estate agent" with the design of instant purchase, whether the house is for sale or not. The notion of hiring is too pale and poor; what you want is to own the place and live beside those storied waters a whole lifetime

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of sunny hours such as the English summer knows how to spare the deserving wayfarer amid its more serious business of raining. I suppose it must have rained the next day, or that evening, for I have no recollection of the contrary; but we had our afternoon as perfect and sweet and mellow as that mulberry on the walk in Shakespeare's garden.

Other delights there had been through hospitalities which I must summon what little good taste I have to keep from betraying. But I will not try to ignore, even in the high interest of refined travel (travel striving to be everything that the English passion for privacy could ask of it), the signal pleasure of seeing somewhat afar the mansion of that historian of the American Revolution whose generous sense of our great struggle should make us, if possible, prouder of it than ever. There is no Englishman worthier than Sir George Trevelyan to dwell in that Shakespearian air among those Shakespearian fields and woods which were once Shakespeare's very own.

More days than we had might well have been given to the Shakespeare library and gallery (with whatever grief for its mistakenness), more nights than we had to the Shakespeare theater. We had come to Stratford partly to see that dramatization by an American woman of the Pied Piper of Hamelin legend, which had such fine moments of gentle poetic beauty and pathos; and the night after, we saw in the same place that most ungrateful and reluctant of the Shakespearian—or Baconian—tragedies, "Richard II." It is idle for us to pretend that the American stage is equal to the English in realizing to the eye the historic circumstance of such a play; we might as well pretend we equal their acting. There was something richly absolute in the presentation of the figures in that scene; nothing was wanting to the splendor of the haughty Bolingbroke and the proud Norfolk making their brags and exchanging their challenges before that sad, silly despot whom their quarrel begins bringing to his prison and murder. I thought Mr. Benson did his Richard wonderfully well, while he let all the others play as ably up to him. I could have fancied that night in Stratford that it would have been a high pleasure to both Bacon and Shakespeare if they could have once sunk the question of its authorship and come to see it together.

W. D. Howells.

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NEW BOOKS REVIEWED

THE GENEVA TRIBUNAL OF ARBITRATION

MR. EDITOR,—A book of mine recently published, *Reminiscences of the Geneva Tribunal of Arbitration (1872)—The Alabama Claims*—has the honor of furnishing the text of a review article in your November number. The writer of that article discusses the subject of "The Alabama Claims" and their settlement with a remarkable vigor. Since THE NORTH AMERICAN REVIEW, happily maintaining its old-time reputation for literary excellence, reaches numerous readers of a cultivated and influential class, both in our own country and in England, it is of no small consequence that a glaring misstatement of fact in its pages be corrected as promptly as possible.

Having been personally present at the proceedings before the Geneva Tribunal, I must protest against certain language in the concluding paragraph of the article in question, that, by way of innuendo at least, would lead a reader to imagine that the conduct of the Arbitrators was somehow lacking in that high degree of dignity befitting the grave character of the duty they had been called upon to perform. The language is as follows:

"With the exception of the illustrious Charles Francis Adams, the personnel of the Tribunal does not at this late day appear to deserve the highest encomium. Cockburn, the English member, was a man of brilliant talents, but he was also indiscreet, verbose, and flighty. Staempfli, the Swiss member, who had failed in business, seems to have been a sour Republican lawyer and journalist, whose sympathies were intuitively hostile to England. Sclopis, the Italian member, possessed ability and experience, but was a mouther of pompous phrases about humanity and civilization and was highly suggestive of Turveydrop. Itajuba, the Brazilian member, a provincial professor, was notoriously indolent and not particularly well informed. The Tribunal was memorable rather for the precedent which it established than for the character of men who composed it or the dignity with which its work was performed."

The memory of these statesmen, who labored so faithfully in the cause of peace, needs no vindication at my hands. It is enough to say of Mr. Staempfli that he had *not* failed in business when he took his seat as an Arbitrator.

The slur cast upon the body as a whole (with the exception of Mr. Adams) justly provokes resentment. There are four men now living who were present at the sessions of the Tribunal open to counsel—two Americans and two Englishmen. I believe that all of us, were it needful,

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would gladly bear testimony to the becoming manner in which the Tribunal conducted its business. For myself, I could not but be sensible of the presence, at all times, of an atmosphere most befitting the gravity of the occasion. Each representative of a neutral Power did credit to his country, and to himself, no less by his dignified bearing than by the industry, the fidelity, and the ability with which he met and determined the momentous questions submitted for his arbitrament.

FRANK WARREN HACKETT.

WASHINGTON, *November 6, 1911.*

THE BALLAD OF THE WHITE HORSE. By GILBERT K. CHESTERTON. New York: John Lane Company, 1911.

Mr. Chesterton here follows in the footsteps of Kipling and Noyes in treating a bit of English history that has grown into legend in poetic form. The period taken is that of the Danish invasion of Wessex in the reign of Alfred. The Danes had pushed up Thames to Reading and then penetrated into the heart of Wessex as far as the heights that overlook the vale of the White Horse. Mr. Chesterton disclaims any intention of clinging close to history in the poem, and all of it that is not frankly fictitious is meant to emphasize tradition rather than history. As the work of Christianizing England was done by generation after generation, the poet summarizes this first crusade in a triple symbol and gives a Roman, a Celt, and a Saxon a share in the glory of Ethandune.

The poem consists of eight books or cantos; the first, we judge, purely fictitious, entitled "The Vision of the King" in which Alfred has a vision of the Mother of God, who tells him:

> "I tell you naught for your comfort,
> Yea, naught for your desire,
> Save that the sky grows darker yet
> And the sea rises higher."

The following cantos are: "The Following of the Chiefs," "The Harp of Alfred," "The Woman in the Forest," "Ethandune: The First Stroke," "The Slaying of the Chiefs," "The Last Charge," "The Scouring of the Horse."

All of Mr. Chesterton's good qualities are in this poem. Some of the critics say that it is the finest effort he has yet made, and the importance of that admission must depend entirely upon the importance one attaches to Mr. Chesterton's work at its best. Certainly the poem under discussion has swing, dash, and the charm of quick and vivid vision. Take, for example, Alfred's sudden memory of his mother:

> "And he saw in a little picture,
> Tiny and far away,
> His mother sitting in Egbert's hall,
> And a book she showed him very small,
> Where a sapphire Mary sat in stall
> With a golden Christ at play."

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or:

"The long farm lay on the large hillside,
Flat like a painted plan,
And by the side the low, white house
Where dwelt the southland man."

Ogier's speeches are eminently poetic and interesting from the first, when he sings the gods behind the gods, to the song:

"Fallen is Rome, yea, fallen
The city of the plains!"

From the standpoint of the average reader the poem promises to be acceptable; from the standpoint of the critic there are many things to be desired. Mr. Chesterton chooses for his poem the very easiest of English lines—namely, the four-footed iambic. Yet even in this line his heavy and light syllables are most erratic. Such words as "over," "warrant," "giant," "servant," "arrow," "fallen," "river," "daisies," "fighting" are constantly used with the heavy accent on the last syllable. Coleridge frequently uses this false accent to get an effect of quaintness and to vary the rhythm; but the accent is far too frequent in this ballad to give the effect of conscious art and it sounds simply careless.

Again, we find it not only difficult to scan, but even to read certain lines as meter at all; such lines, namely, as:

"And his faith grew in a hard ground,"

or

"Went Elf roaring and routing,"

"Then Ogier heaved over his head,"

"While Ogier writhed under his shield."

Again, it is difficult to make a four-footed line, as we are supposed to do, out of this:

"From the land of the East Saxons."

The ballad in the last analysis is a very clever feat by a prose-writer, but except in a happy stanza or line here and there it is not poetry. Mr. Chesterton is accounted a good, certainly a vivacious writer of prose; and England has at the moment a fair share of poets: Mrs. Meynell, Alfred Noyes, Ezra Pound, Henry Bryan Binns, to mention only a few real poets, are all in the running, and among such Mr. Chesterton cannot compete.

Woman's Part in Government Whether She Votes or Not. By William H. Allen. New York: Dodd, Mead & Co., 1911.

This is a new kind of book," says the publisher's advertisement. "It makes you want to work for better government between elections. . . . It is a handbook on straight-seeing, straight-thinking, and straight-acting on public questions between elections." The publisher's advertisement in this case does really set forth the aim of the book. The author, who is the Director of the Bureau of Municipal Research, does not so much

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answer questions or present doctrines as he probes his reader's ignorance by lists of questions which the would-be voter should be able to answer, but seldom is. He states briefly his candid opinion that the time is coming when women will not only be permitted to vote, but will be expected to do so, however irksome and disillusioning the duty and privilege may be. It is, then, with this in view that the author tries to call attention to the kind of information the voter needs, to the possible work that may be done between elections.

"Because ninety-nine out of one hundred problems of government are sexless the suggestions here made relate as well to men as to women. Yet because women are to-day idealizing the ballot as a means of improving government and accelerating social progress, this book deals particularly with woman's threefold relation to government between elections. It aims not to settle, but to raise questions, to encourage self-analysis and study of local conditions, and to stimulate interest in methods and next steps for getting done what we all agree should be done to make democracy efficient." In the chapters headed "The Expansion of Woman's Place," "Side-Tracking Questions," "Methods Not Purposes in Controversy," "Short Cuts to Efficient Government," "A Method of Study Within the Reach of All," "Next Steps toward One-hundred-per-cent. Philanthropy," "How Women may Help their Schools" the author ably carries out his aim to instruct by suggestion.

While the main aim and direction of this book is good and useful, there are strange gaps in the author's reasoning. For example, he warns women against thinking that general culture will enable them to form an intelligent opinion of an immediate issue. Now it is quite true that a general familiarity with the thought of Socrates or Shelley will not help one to a minute knowledge of the value of pasteurized milk; but the author overlooks the fact that what culture does is to give one a standard of right and wrong against which to set all immediate questions, and if we might only count upon a high degree of general culture we could also count upon the power to gain an intelligent outlook upon the immediate issue.

Again, the author, after making his whole book a plea for minute information and a general public airing of methods and abuses, suddenly turns when he comes to the question of social disease and puts up a plea for hushing up the whole question. Now any one who has taken the trouble to inform himself upon this subject knows what excellent work is accomplished all over the country by the Society of Sanitary and Moral Prophylaxis.

"If I could control the action of ministers, 'good citizens,' and women's clubs, I should say that the best possible means of reducing the social evil would be never to mention the subject for ten years," writes this amazing reasoner; nor does he state in any wise why his whole method would be reversed in this particular reform. He has urged in every other case of reform the careful gathering of data, the need of publicity. He reiterates that officials can only be held responsible for such of their acts as are known. He urges all voters to watch legislation, to gather evidence and test it, and then without rhyme or reason he suddenly advises the hushing-up of one of the most threatening dangers in modern life. He urges women never to give an opinion without basing it

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upon carefully acquired knowledge; and yet, when it comes to this question, he writes as the most unreasoning of women might about his general feelings and impressions. "While working on this chapter," he writes, "I have been told of a department store in this city whose girls are afraid of one member of the firm. *I am not acquainted with the facts.*" Here the sentence should surely have ended, but he goes on: "*My reply was that I personally believe that girls are unsafe in proportion to the largeness, not the smallness, of their salaries.*"

Would it not have been better for the writer to have applied some of his own methods before writing the chapter in question? Undoubtedly that chapter must do a great deal toward destroying confidence in the remainder of the book, for it is an example of how one with the ability to see and think straight may find it feasible to see and think and persuade wrong.

The chief value of the book lies in its helpful questions and its addresses for special workers' pamphlets.

THE FIVE GREAT PHILOSOPHIES OF LIFE. By WILLIAM DE WITTE HYDE, President of Bowdoin College. New York: The Macmillan Company, 1911.

There are certain maxims—short cuts to a rough-and-ready knowledge of human nature—that are perfectly familiar, such as "You may know a man by the company he keeps," "You may know a man by what he reads," "You may know a man by his pleasures," to which may be added, "You may know a man most truly by his prayers." Therein is mirrored the essential self, the being behind all unconscious affectations and pretenses, the reality back of all social and intellectual make-believes. *What* a man is willing to ask of the Divine, and *when* he is willing to ask it, give, as nothing else can, the man's true measure. And as men may be known by their prayers so a religion or a philosophy may be known by its aspirations—the point or goal toward which it reaches. Philosophy seeks to put an interpretative construction upon life, striving to say explicitly or implicitly why and how, explaining man to himself; and religion also does the same, while adding specific directions as to how to live. All religions, therefore, embrace some sort of a philosophy; but philosophy does not necessarily embrace religion. Yet both have this in common—that they seek to satisfy the soul's perpetual questionings and seek also to achieve something of power and joy.

The Five Great Philosophies of Life, by President Hyde of Bowdoin College, is a new edition of the work originally called *From Epicurus to Christ* amplified and largely rewritten. It is as succinct and plain an exposition of the five great attitudes toward life as the general reader would be likely to find. Professor Hyde illustrates his expositions, in the main, with good extracts from the philosophers and from modern literature. The five great philosophies are the Epicurean, the Stoic, the Platonic, the Aristotelian, and, finally, the Christian. In the chapters on Epicureanism the author quotes not only the master himself, but Lucretius and Horace, Whitman, Spencer, and Stevenson. The author has a real gift for the swift, incisive, descriptive epithet most helpful

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for fixing an idea in the young mind. In the preface he lays out the five philosophies thus: "the Epicurean pursuit of pleasure, genial but ungenerous; the Stoic law of self-control, strenuous but forbidding; the Platonic plan of subordination, sublime but ascetic; the Aristotelian sense of proportion, practical but uninspiring; and the Christian spirit of love, broadest and deepest of them all."

Very clearly and happily does President Hyde trace the general concepts, precepts, and practical workings-out of the philosophies that he considers; their merits and defects, their strength and weakness, the part they play in the development of individual character and in the general history of human life and thought. It has been well said that men are born either Aristotelians or Platonists; and in one sense, psychologically, the various philosophies embody quite as much of individual temperament as of determined, self-consistent thought: so that the followers of Zeno are quite as much "born" to that following as are the devotees of exact science "born" followers of Aristotle.

President Hyde set himself no mean task in thus bringing together the chief features of these five great philosophies, noting their distinctions and differences, their relativity of opposites, and showing their effectual rounding out, or completion, in that "love which is the fulfilling of the law." Very happily, too, does he vary and illustrate his subject by examples drawn from literature and life; examples tolerably familiar to many and yet not often considered from these points of view. The whole subject is at all times kept well in hand, and the essential thought is presented and re-presented under various images and by various analogies. "All original thought is done in images," says Moleschott, and President Hyde is quite effective in his images; as when he says of John Stuart Mill, for instance: "His 'utilitarianism' is a fort mounted with the most approved idealistic guns, yet with the Epicurean flag floating bravely over the whole." In the main a clear thinker and an acute yet pleasant critic, one who neither eludes the choice of tints nor confounds values, one cannot always agree with Professor Hyde's labeling. The wonderful passage, for example, taken from Maeterlinck's *Wisdom and Destiny* is far nearer to the Christian doctrine, "The Kingdom of Heaven is within you," than to any Stoic law whatever. The book is instructive and is designed not so much for real thinkers and students as to meet the general popular interest in historic philosophy.

SPIRITISM AND PSYCHOLOGY. By THEODORE FLOURNOY. Translated by Hereward Carrington. New York: Harper & Brothers, 1911.

Both to scientists and to generally intelligent readers alike, this book is distinctly worth while, since it presents much scattered information in a convenient and condensed form. Professor Flournoy's able and candid thinking is here clearly and very interestingly set forth and is, furthermore, occasionally strengthened or qualified by the translator's excellent notes.

Psychology is doubtless still in its infancy, but is engaging more and more the attention of scientific men, for interest grows by what it feeds on, and the very difficulties of the subject are part of its fascination.

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To many it may seem at first sight a mismating thus to harness spiritism and psychology, but even a superficial acquaintance with either line of thought and experiment will fully justify the distinguished author in so doing. For what astrology was to astronomy, what alchemy was to chemistry, may ultimately prove to be the office of spiritism to psychology, that of a willing and serviceable handmaid. The discovery of radium and of the radio-active substances has largely revolutionized the study of chemistry; and the patient investigation of the abnormal or subnormal phenomena of mediumship, clairvoyance, telepathy, with all the newer terms—may well throw light upon psychology. For one psychologist, Dr. Imoda, in a recent work, concludes that "the radiations of radium, the cathodic radiations of the Crookes tube, and mediumistic radiations are fundamentally the same." This is, at all events, a workable hypothesis and opens up possibilities of investigation along new and deeply interesting lines. And as, in the fine words of Professor Flournoy, "each one of us has his rôle to play in the construction of the edifice of human knowledge," it becomes the intelligent layman's duty as well as pleasure to keep pace with scientific thought and to cultivate in himself a truly scientific openness of mind. For such is human nature that, notwithstanding the tremendous scientific advances of the past fifty or one hundred years, much of science, so called, is just as dogmatic, just as fanatical in its insistence as was the theology of days gone by. So whether one is a determined spiritist or a professed psychologist, or, like Karshish, just "a picker-up of learning's crumbs," it is well to come in contact with a mind like Professor Flournoy's—fair, impartial, willing to listen and to see. Mediumship, with all that it connotes, has been so discredited, is so bound up with the thought and suspicion of trickery and fraud that very many intelligent people will not hear of it. Consequently, it is pleasant to know that a number of scientific men are persuaded of the reality of mediumistic phenomena, however much they may as yet differ as to the cause or causes. For mediumship, with all that it implies, is not only a study for the psychologist, but for the pathologist as well. Many of the features of mediumship would seem to denote, not the supernormal, but the subnormal; not fuller life, but lesser; not power to penetrate into the possible "beyond," but insufficient power rightly to grasp this present life and weld it into an approximately harmonious and normal whole.

Mr. Carrington takes heed, too, in his preface, to utter a strong and timely warning against mere curious dabbling with clairvoyance or spiritism. The trained investigator, mentally equipped, approaching the subject in a detached and proper frame of mind, is one thing; the overcurious and idle seeker or the superstitious is quite another. Consciousness and will or conscious will is a standing mystery, itself as inexplicable as undeniable, but the one thing by which all else is co-ordinated and explained. The particularly baleful effect of an ignorant or insufficiently instructed practice of spiritism is its sinister reaction upon consciousness and will. This latter especially is constantly and increasingly weakened until at last it may become numb and well-nigh lifeless, as if to be ruled or influenced by the supposedly dead or discarnate spirits is to approximate to death and is to forfeit just that power of life which should be and is most vital. Those who by clairvoyance trifle with mind and im-

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agination run hideous risks. There is such a thing as finding the citadel in possession of the worst of foes. Mr. Carrington speaks of having "seen several examples of such detrimental influence—cases of delusion, insanity, and all the horrors of obsession." And he evidently speaks with authority and as one who knows.

TOLSTOI. By ROMAIN ROLLAND. Translated by Bernard. New York: E. P. Dutton & Co., 1911.

From this short and sympathetic study of Tolstoi we derive more real knowledge of the great prophet, thinker, martyr of last century than in all Aylmer Maude's two heavy biographical volumes with their misconceptions and disconcerting comment, their dense lack of real understanding, and their vain attempt to whitewash every one except Tolstoi himself. The present volume, admittedly slight, by the author of *Jean Christophe,* is only biographical in so far as biography is necessary to throw light upon the spiritual development of the great master. It is chronologically arranged and is an able psychological elucidation of the development of Tolstoi's thought.

In the preface the author speaks of the very direct appeal of the Russian novel to the young France of the last decades of the nineteenth century. The admiration of the Gallic thinkers and writers of that time was no pallid sentiment for the great craftsmen, the great observers of life, but the Russian novel made appeal to them by its ardent love of life, its quality of youth and vitality. The life in the work of this expanding race was so keen, so vivid that it seemed futile to stand off and approve. "It was ours," says the author. "We lived it; it was our own. Ours by its ardent love of life, by its quality of youth; ours by its irony, its disillusion, its pitiless discernment, and its haunting sense of mortality. Ours by its dreams of brotherly love, of peace among men; ours by its terrible accusation of the lies of civilization; ours by its realism; by its mysticism ours; by its savor of nature, its sense of invisible forces, its vertigo in the face of the infinite."

What Werther was to the *Sturm und Drang* period in Germany, Tolstoi's awakening works were to the new humanitarians of a later date, and it was unquestionably a much healthier and nobler awakening to the needs of humanity than Goethe's overflow of egotistical sensibility. It is impossible to agree with M. Rolland in some of his descriptions of Tolstoi's youth. Tolstoi himself was of a supersensitive conscience and much inclined to be very serious over his faults. In his endeavor to carry out the author's own idea of his original wickedness, M. Rolland traces evil characteristics to the early portraits. "He was," he says, in speaking of the portrait of 1848, "of Simian ugliness; the face was long, heavy, brutish; the hair was cropped close, growing low upon the forehead; the eyes were small, with a hard, forbidding glance, deeply sunken into shadowy orbits; the nose was large, the lips were thick and protruding, and the ears were enormous."

As a matter of fact, that portrait of 1848 is of a very promising-looking youth. It is not, of course, a pretty face; not even a regularly handsome face; but that sort of face on a man is already a chronological

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anomaly. What we demand in a male above all else, strength, seriousness, self-confidence, is there in ample measure. The face is long, but the bony structure of skull and cheek, the facial angles, are magnificent; the eyebrows are straight across the brow; the eyes beautifully set, already keen, searching, giving promise of that wonderful penetrating gaze which was the first thing that struck one about Tolstoi; "as if," said Miss Jane Addams, "he lifted off the top of your head and looked in." The mouth is mainly serious and the chin strong, and the nose not yet exaggeratedly broad as it becomes in later portraits. The portrait of 1856 is that of a distinctly pleasing-looking man. A very gentle smile takes the place of the brooding look in the earlier picture; a mustache hides the length of the upper lip, and the eyes are wider open, more contemplative. The least pleasing portrait is that of 1862, the year of Tolstoi's marriage, when the keen, searching quality of the eyes is so intensified as to make the expression almost startling.

No better account has been given anywhere of the vital distinctions in point of view between Tourgenev and Tolstoi; the one ironic, amorous, disillusioned, a devotee of beauty; the other violent, proud, serious, tormented by moral problems. Nor could any author have touched more gently, more comprehendingly the tragic situation of a loving husband and father clinging almost to the last to a skeptical family. The sons, he tells us, could hardly conceal their indifference and boredom if the father spoke of his beliefs and work. The author does full justice to Countess Tolstoi and gives credit for her early zeal in helping with the literary work; but, unlike Aylmer Maude, he attempts no slurring over of her total inability to follow her husband when he laid aside mere literature to speak and work as the greatest moral genius of this age.

On the whole, the book is sympathetic and clear-seeing and as valuable a literary study of Tolstoi as has yet appeared—a study that could only have been written by one with true spiritual insight.

The work of the translator is, in the main, inoffensive, but where, pray, did a man with an English name learn so odd a phrase as "Pleasure then resumed him," "Life resumed him"?

MODERN THEORIES OF CRIMINALITY. By BERNALDO DE QUIROS. Boston: Little, Brown & Co., 1911.

CRIMINAL PSYCHOLOGY. By HANS GROSS. Boston: Little, Brown & Co., 1911.

The scientific attitude toward crime may be dated from the work of Cesare Lombroso, the Italian physician who began publishing his studies of criminals in 1871. In the last forty years the literature of criminology, criminal anthropology, criminal psychology, penitentiary science, and a number of special branches and ramifications has increased and multiplied in all civilized nations. What was originally the special interest of the psychologist and physician is now the working hypothesis of legislator, reformer, and social worker. Some of the most important studies in foreign languages are now accessible to the English-speaking world in the *Modern Criminal Series*, published by the American Institute of Criminal Law and Criminology, which was organized in 1909 to com-

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memorate the fiftieth anniversary of the founding of Northwestern University. A part of its *raison d'être* was expressed in the following resolutions: "*Whereas,* it is exceedingly desirable that important treatises on criminology in foreign languages be made readily accessible in the English language; *Resolved,* that the president appoint a committee of five with power to select such treatises as in their judgment should be translated and to arrange for their publication." *Modern Theories of Criminality,* by Bernaldo de Quiros, first published in Spain in 1898, and *Criminal Psychology,* by Hans Gross, which appeared in Austria in 1897, are the first of the series to appear in English and head a list which includes the work of such eminent criminologists as Lombroso, Enrico Ferri, Tarde Aschaffenburg, and Garofalo.

Modern Theories of Criminality, by Bernaldo de Quiros, is a handbook of the sources of the literature of criminology in the nineteenth and twentieth centuries and contains valuable bibliographies of pamphlets, monographs, and journal articles, as well as admirable digests of the main theories of crime and summaries of the important studies and investigations. It is a reference-book and not an original contribution, but a reference-book packed full of suggestive interpretation and illuminating criticism; a model of compilation that is not a patch-work of disconnected quotations.

The material is arranged in three chapters or long essays; the first on the origins and developments of criminology; the second on modern criminal law, or, as Señor de Quiros prefers to call it, penitentiary science; and the third on the modern movement toward the scientific investigation of crime, a subject which Professor Munsterberg's recent studies of the witness-stand have brought very forcibly to our attention.

The scientific study of crime, variously called criminology and criminality, may be dated from the work of the three "Innovators"—Lombroso, the physician and anthropologist and the most eminent of the Italian Darwinians; Ferri, the sociologist; and Garofalo, the jurisconsult. Following the different methods and points of view brought to the study of crime by Lombroso and his great contemporary, Ferri, we find that all modern theories of crime may be grouped under *Anthropological Theories* following more or less closely Lombroso's methods, and *Sociological Theories* with the emphasis on environmental rather than on hereditary factors. From the Lombrosian point of view we find crime variously explained by atavism, degeneration, and by pathological conditions, especially epilepsy, neurasthenia, and various psychopathic states. The *Sociological Theories* explain criminal phenomena from failure in adaptation, segregation, parasitism, or economic maladjustment.

The problem of fixing the responsibility for crime, of determining "on whom we shall reserve the specific social reaction called punishment," is the problem of a special branch of criminology called "penitentiary science" or "penology." The second chapter of Señor de Quiros's handbook is devoted to reviewing the origins of modern criminal law and the modern tendencies, traditional and racial, of dealing with adult and junior delinquency.

Chapter III. on the "Scientific Investigation of Crime" has for the general reader perhaps the most vivid interest. Here we find justified with becoming seriousness the time-honored methods of Sherlock Holmes,

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Lecoq, and Carentin. The Bertillon system, the finger-print, the word-picture, and the various technical methods of investigating crime are outlined with a scantiness of detail that leaves much to be desired, were we allowed to forget that the book is for reference and does not aim at any fullness and exposition.

No corresponding criticism can be made of the second volume in this series. Gross's *Criminal Psychology* deals with everything in Heaven and Earth, Horatio, that is dreamed of in our philosophy. According to the author's vindication of his position in the introduction: "Literally, criminal psychology should be that form of psychology used in dealing with crime, not merely the psychopathology of criminals, the natural history of the criminal mind. . . . The knowledge of the principles . . . demands even such a pragmatic applied psychology as will deal with all states of mind that might possibly be involved in the determination and judgment of crime." The person connected with crime and the criminal procedure may be that of a principal or criminal, or of a person accessory to the act, or of an involuntary witness who is required to testify to acts he has perceived, or of a jury who has to weigh evidence, or of a judge who has to pass on it, or of an expert who may be called in to render certain technical judgments. The motive with respect to the crime may be to conceal, to gloss over, and to spare; or to ferret out, expose, and reveal. All mental processes focussed on crime, all psychological processes directly or indirectly concerned with crime, are, according to Professor Gross, the subject-matter of *Criminal Psychology*. Therefore, we must include besides a study of the mental states of the accused those of the judge and the jury, the witness and the expert.

The underlying confusion which is involved when we attempt to class under the same term the mental activity of the criminal and the judge has best been indicated by M. Edward Claparède, in his article on "*La Psychologie Judiciaire,*" in Binet's *L'Année Psychologique* for 1906. In commenting on the great value of Professor Gross's work he says: "It strikes me, however, as very inconvenient to designate in the same way two disciplines, which, though they are related and present numerous points of transition, are none the less quite distinct—*i. e.,* the psychology of judicial activity and that of criminality. I propose to do away with this confusion by designating by the term 'judicial psychology' that part of psychology applied to law which includes the psychological study of facts relative to the judicial activity; and to reserve the name 'criminal psychology' for the study of the criminal himself and of criminality."

But from Professor Gross's point of view the mental process of the judge and jury, as well as of the accused, must be taken into account in a study of the conditions of crime, and the argument therefore falls into two parts: (1) the subjective conditions of evidence on the mental activities of the judge and (2) the objective conditions of criminal investigation or the mental activities of the examinee. Objection may at once be taken to the opposition of objective and subjective in this connection; an opposition which, as M. Claparède has pointed out, is valid, perhaps, for a jurist, but not for a psychologist, to whom the mental activities of the criminal are as subjective as those of the judge.

But, accepting with a protest the author's classification, we find that the subjective conditions of evidence are first *the conditions of taking*

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evidence, and second *the conditions of defining theories or the making of inferences.* Under the conditions of taking evidence are discussed general considerations as to the integrity of witnesses, the correctness of testimony, the "egotism, laziness, and conceit," which, according to Professor Gross, are the "only human motives on which one may unconditionally depend"; the secrets which one cannot keep; the interests which one must arouse. But most interesting of all the early discussions is the section on phenomenology; the study of the outward expression of mental states, "the science of appearances," the significance of involuntary habitual actions, gesticulation, changes of color such as blushing and paling, are personal idiosyncrasies which are nevertheless common enough to generalize about.

In the sections on the "making of inferences" and "on knowledge," the author has endeavored to compress in the short space of eighty pages the gist of modern speculation along epistomological and logical lines with a certain amount of absolutely necessary historical background. The result is unsatisfactory to a degree. It is quite true that a criminologist who is also a student of human nature should be *en rapport* with modern studies in causation, analogy, probability, chance, inference, judgment, and the rest. It is quite true that he cannot give his life to the great mass of literature on these more academic subjects, but must depend on histories of philosophy and on digests for the conclusions which have an immediate bearing on criminal proceedings and law. The totally inadequate discussions in Gross's *Criminal Psychology* supply neither a history nor a digest and might with great profit be omitted.

The same general criticism might be applied to the sections on logical and metaphysical subjects in the second part under "mental activity of the examinee." The sections on Perception and Conception, the Intellectual Processes, the Association of Ideals, the Will and Emotion, are almost without value to the student with even a most superficial knowledge of modern logical and metaphysical studies, though they supply the general reader with a surprising fund of anecdote. The sections on Sense Perception, Recollection and Memory, and the forms of giving testimony, bearing more directly on the abnormal criminal mind, present a mass of information and observation from the author's personal experience. They are less burdened with excessive quotation and are stamped with a certain freshness of interest that the more technical sections lack.

ETHAN FROME. By EDITH WHARTON. New York: Charles Scribner's Sons, 1911.

It may be possible that intellect knows nothing of sex, but certain it is that whenever a woman assumes masculinity there is apt to be just that over-emphasis that betrays the assumption. This is simply by way of protest against the unnecessary intrusion of a masculine "I" as narrator of Mrs. Wharton's admirable story, *Ethan Frome,* for, as the well-told tale unfolds, a return to the omniscient third person is inevitable, so that we might as well have been spared the first person in the beginning. However, the excellence of Mrs. Wharton's work is such that no one should dare cavil, perhaps, at the author's mode of presentation, and this, her latest novel, is but one of many successes. In remote New Eng-

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land hills, chiefly in winter, the scene of the story is laid; a brief love-idyll, a breath of warmth and spring upon the edge of biting cold and snow. For it is curious—part of the writer's delicate art, indeed—to note how the essential landscape of this story harmonizes with the nature of the tale itself; the prolonged cold, the grudging soil, the scantily rewarded labor, make up "the compulsions of poverty" that here mean so much, and all play their significant parts in a story of life—not as victory or defeat, but what is often more tragic than defeat, life as a drawn game, a baleful arrest.

There is a certain inexorableness about Mrs. Wharton, as if she herself were constitutionally opposed to happiness, as if she were somewhat compelled to interpret life in terms of pain. Hence her beautifully told but somber tales are so unrelieved, fate in them is so persistently adverse, that they are sometimes not quite convincing. For after all, what men account as Fate does sometimes smile, and pain is pain by contrast with joy. But this particular story of three people, Ethan Frome, his wife Zeena, and Mattie Silver, is so swift, direct, and inevitable that it commands belief. The man, Ethan Frome, an undeveloped idealist, marrying, not for love, but because of feminine proximity and an instinctive recoil from loneliness, then finding beside him his fitting counterpart; the mutual happiness so wan and brief, the swift end, and then the long twilight of that truest heroism—the heroism of endurance—this finely self-consistent story takes firm hold of mind and imagination. And it is told, of course, with all Mrs. Wharton's rare skill. The forcible right words, like apples of gold in frames of silver, are all here. The seeing and perceiving eye and the divining mind, with all their complexities of observation and penetration, have opened up for their fortunate possessor another field in which her hand seems as sure and certain as in the more urban life she usually portrays, and in the more sophisticated people she usually sets before us.

THE OUTCRY. By HENRY JAMES. New York: Charles Scribner's Sons, 1911.

"Admirable, admirable, and most admirable," must be the reader's gratified comment when, on the announcement of "The Prince," the curtain falls upon Mr. James's delightful comedy, "The Outcry." For while this, his latest work, is a novel in name—and domino, shall we say—the least brushing aside of its drapery will reveal it as a charming drama. The three books are in reality three acts, and the chapters are just so many rapidly moving scenes.

The art of Mr. James is so finished, his work so fine, his perception so subtle, and his irony so quietly comprehensive, that of course his work is caviare to the general. People who like their fiction in proportion as it does *not* represent, or naïvely misrepresents, Life; people whose ideas are confined to a "pretty story" and a "happy ending," cannot possibly enjoy a writer whose work is as truly scientific as it is finely literary, is as exact on one side as it is artistic on the other—work that is particularly characterized by its psychologic accuracy, and truth to life as its author sees and perceives life. For in his chosen way and degree Mr. Henry James is quite as marked and thorough a psychologist as was his dis-

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tinguished brother. In this short novel, with scarce a word of comment, with no waste of description, just by their entrances and exits, their looks, words, and actions, does Mr. James set a group of very significant people before us. Motive, character, weakness and strength, mental and moral limitations, degree and quality, are all made unmistakably manifest. It is Society of its kind, of a large kind, indeed, with ramifications that bind together the Old World and the New. There is a certain similarity of *bouquet*, as wine connoisseurs say, of both continents in the characters of Lord Theygne and Mr. Breckenridge Bender, a cater-cousinship, too, in their utter disregard of art save as ministering to vanity and pride. What could be better than Mr. Bender as the buyer of the famous picture, and Lord Theygne as its owner; the one seeking to purchase as the best possible means to self-advertisement, and the other willing to part from one of the glories of his house for a proper consideration, and then ultimately "holding on" to it because such tenacity best expressed his own pride of possession and self-will? And Lord John as the intermediary, the "promoter"; Lady Sandgate, yearning to follow Lord Theygne's abortive "lead," both left eventually chequeless by the rash and revengeful fury of Lord John; and then the final scene—left to our imagination—when the Prince comes to Lady Sandgate's to congratulate his Lordship on the latter's patriotism, generosity, and public spirit in bestowing the much-acclaimed picture on the Nation—could anything be more entertaining? And by this same token do even Mr. James's warmest admirers fully realize the generous compliment he pays them in his unfaltering appeal to their intelligence and imagination? For he shares with them so fully, as it were, his own richly varied perceptions. In this he and Browning are something alike—the largesse of their confidence in the helpful intelligence of their readers. And can it be said that in either case the confidence has always been justified? For it may be doubted whether Mr. James has ever received from his countrymen a tithe of the meed that is his due.

It has been said that Mr. James relies too much upon the head to the exclusion of the heart, that there is too great intellectual astringency in his work as compared with its emotional quality. But one must measure the length of the sword by the sheath; must estimate what is reserved by what is given; must understand that, as the Rabbis say, "Silence is the truest worship." How great an idealist Mr. James must be *before* he can become so fine a realist must be divined. "The golden distillation of the real," which was the high aim of the *Author of Beltraffio*, is not infrequently Mr. James's achievement. It may be but a golden drop, but the rare liquor is unmistakable, and there are many such golden drops to be enjoyed in his works. His marvelous power of elimination, by which he can sufficiently portray even abject mental and spiritual squalor, to say nothing of mere material poverty, with no overloading of common and sordid detail, is part of his own peculiar art. It may be objected, perhaps, that Mr. James shows at times a too great fear of the common and commonplace, since these also have their value and significance, and help in any true delineation of life; but in a day when realism for realism's sake is the cry, when masses of meaningless detail are supposed to be the true holding up of the mirror to nature and life, those who can still practice the art of elimination should be doubly cherished. For enough

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is even better than a feast. In this last novel, however, the rights of head and heart are delightfully balanced. The characters of Lord Theygne, Lady Sandgate, Bender, and Lord John throw into fine and charming contrast the youthful lovers, Lady Grace and Hugh Crimble, who, in their single-hearted devotion to art, discover each other. The characters are few, but their significance is far-reaching, and the skill with which every man and woman in turn is made to reveal the essential self is most rare. Rightly to appreciate the power and art of Mr. James, his penetration into life and his mastery of presentation, is no small part of one's own intellectual equipment. Happy they, then, who, by true appreciation, can enjoy the freedom of so much excellence.

THE POWER OF TOLERANCE. By GEORGE HARVEY. New York: Harper & Brothers, 1911.

It is natural that any woman in opening this collection of addresses, which ranges from 1904 to 1911, should turn her attention first of all to George Harvey's speech before the Woman's University Club of New York on the subject "Have Women Souls?" A man's view of so important a point as this must be the superscription and image of an entire character. The author admits that at a first glance the analogous question might be, Have men? But as a matter of fact, since the beginning of recorded history men, who had the upper hand in making it, took their souls for granted. One author states that the question was uppermost among the early Hebrews, when according to the Elohistic account of creation male and female were brought into being equal; according to the Jahovistic account the woman was made out of the rib of the man, and was given him as toy or drudge, solace or spur, as he might choose. "Physiologically," writes Colonel Harvey, "no evidences of the correctness of this theory remain in man, but theologically it is held to be as sound as if a rib were really missing from every masculine frame." The position of woman in Babylonia was much higher than in Israel, where she was originally the property first of parents and then of husband, and was at all times prohibited from religious worship. There is no recognition of women in the decalogue, but, on the contrary, they are mentioned as property in common with oxen and asses. Later on St. Paul threw the whole force of his dominant personality in favor of the subjection of woman. At this point Colonel Harvey gives up the discussion and leaves the matter unsettled. It is a pity that in one more paragraph he did not reassure us by telling us that at the Council of Macon during the sixth century the question was hotly discussed and finally decided by ballot, when a majority of *one* put woman finally in possession of a soul, which she has most actively exercised ever since; she has been saint and martyr and leader in religious reform (witness Susanna Wesley and the Quaker women of the American colonies), and is now the sustaining bulwark of modern ecclesiasticism. Undoubtedly women today have souls, if any one has. The most modern theory, however, now is that no one man or woman has a soul unless he makes it. "The soul doubtless is immortal," sang Browning, "where a soul can be discerned";

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and Matthew Arnold contributes his conviction that only he who gains all his battles here "Wins, and that hardly, to immortal life."

The addresses in this volume are largely persuasive, but a few are definitely intended to be purely amusing. Among the first stand the speech on "The Power of Tolerance," "Conserve Common Sense," "Journalism and the University," "The South and the Nation," "The Problem, the Solution and the Man," "The Inherent Right"; and among the latter are the "City Titanic" and "Have Women Souls?" "Esau," the charming little sketch, written with touching tenderness and penetrating pathos, stands by itself—an obituary to a dog, written, perhaps, to please and console a child.

The most permanent contributions which this book makes to lasting interest are the autobiographical detail and Colonel Harvey's theories of journalism. By the very nature of the book many of the addresses touched evanescent subjects, yet it is surprising to see how deftly even in these general comment is introduced; how clearly a philosophy of life emerges. In the address to the Press Association of Vermont, Colonel Harvey recounts his experiences as a young journalist from the time when, at the age of ten, he increased the family's laundry necessities by investing in a two-dollar printing press, when he made his first visit to the wonderful printing establishment in Danville of N. H. Eaton, where he first watched a marvelously deft transmission of mind into matter; through his industrious production of an edition of five copies of the Peacham *Democrat;* the time when he received five cents an item for work on the *Caledonian;* his experience with the St. Johnsbury *Republican;* to the definite beginning of his career with the Springfield *Republican* at six dollars a week. The work with the St. Johnsbury *Republican,* undertaken between school terms, is too delightfully told not to repeat:

"I was fifteen years old, and the man who owned the paper lived in Bradford. He paid me three dollars a week, and could not have induced me to play or sleep if he had tried. Moreover, he did not try. He had a girl in Bradford, and for some reason, inscrutable to me at the time, he preferred her companionship to mine. . . . It was a joyous summer. I possessed absolute authority and was free from interference of any kind. My staff was so ill-fed that it had not the strength to be disloyal. I was the staff. The editor, who was also the reporter, was an enthusiastic young person, for whose demonstrated energy at that time, somewhat vitiated since, I still entertain a profound respect. I was that editor and that reporter. Type-setting machines were unknown then, but the office contained a light and airy composing-room, which was occupied by a thoroughly capable force. I was that force. It was a non-union office. I was the non-union. The press-room was the best in the building; so was the press. The power which moved the machine was more earnest than electrical, but it was sufficiently effective to meet the requirements. I was the motor."

Surely this story of a boy's beginnings, this progress by sheer energy and will power from the St. Johnsbury *Republican* to the head of the entire Harpers' establishment, publishing five periodicals and hundreds of works a year, is a typically American story. And it is as an American, as well as a journalist, that George Harvey is worth studying. Profoundly

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grounded in his country's history and in that minute knowledge of Hebrew history and literature which was the foundation of American character, Colonel Harvey loves his land, its types, its problems, its difficulties, and its triumphs. He has the quality which he praises in the first essay of this book, the "power of tolerance"; and it is no section of the country that he loves and looks at, but the South and the West, and the North and the East, the farm lands of Vermont and the city of New York. Wherever he finds them he stops to admire sturdy integrity, energy, loyalty to an ideal, skill, and practical ability. If he were asked to sum these qualities up in a phrase he would probably call them "the American Spirit"; that spirit which has driven him evidently from little boyhood and still controls him in his policies in the big office in Franklin Square.

One might feel, perhaps, that he granted too much of these ideals to Lord Northcliff in his address of 1907 to the Pilgrims' Society of New York. No great editor ever apparently took a more definite crosscut to Colonel Harvey's own in his methods than the great commercializer of British journalism. Colonel Harvey has always sacrificed quick gains to good quality. Lord Northcliff sacrificed quality and stability for immediate returns. But doubtless the answer to this apparent contradiction may be given in a phrase very current in the big somber-looking building in which George Harvey is chief, to the effect that whoever is doing his work with such sincerity and ability as he can muster is sure in that place sooner or later to come to rely on that power of tolerance which is the outgrowth of a far vision, a wide experience, and a deep faith.

LOUISE COLLIER WILLCOX.

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